SPECIAL TOWN COUNCIL HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, October 09, 2024 at 6:00 PM

AGENDA

Notice is given that a meeting of the Town Council of the Town of Apple Valley will be held on **Wednesday, October 09, 2024**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Mayor| Michael Farrar
Council Members | Kevin Sair | Janet Prentice | Annie Spendlove | Scott Taylor

Please be advised that the meeting will be held electronically and broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting:
https://us02web.zoom.us/j/82661513795
if the meeting requests a password use 1234
To call into meeting, dial (253) 215 8782 and use Meeting ID 826 6151 3795

CALL TO ORDER
PLEDGE OF ALLEGIANCE
PRAYER
ROLL CALL

DECLARATION OF CONFLICTS OF INTEREST

PUBLIC HEARING

1. Public Infrastructure Development (PID) for Oculta Roca.

DISCUSSION AND ACTION

2. Public Infrastructure Development (PID) for Oculta Roca.
3. Oculta Roca Development Agreement Addendum.

CONSENT AGENDA

4. Minutes: August 28, 2024 - Town Council Meeting and Hearing.

REQUEST FOR A CLOSED SESSION: IF NECESSARY

ADJOURNMENT

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Recorder for the Town of Apple Valley, hereby certify that this Agenda was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website http://pmn.utah.gov, and the Town Website www.applevalleyut.gov.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS
In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Town at 435-877-1190 at least three business days in advance.

Development Agreement Addendum

This Development Agreement Addendum ("Agreement") is made and entered into as of 9/25/24, by and between Hidden Rock Development Group ("Developer") and Town of Apple Valley ("Town").

Recitals:

WHEREAS, the Town has established a Public Improvement District (PID) to facilitate the development Oculta Roca;

WHEREAS, the Developer intends to construct and install a one million gallon concrete water tank to support the water supply needs of the development;

WHEREAS, the Town agrees to approve the PID upon the Developer's commitment to finance the construction and installation of said water tank;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. Approval of PID

The Town agrees to approve the establishment of the Public Improvement District (PID) once the Developer submits the necessary documentation and meets all regulatory requirements.

2. Developer's Obligations

The Developer agrees to:

a. Design, construct and install a one-million-gallon concrete water tank along with all necessary pipelines and hardware in accordance with the Town's specifications and applicable laws.

b. Bear all costs associated with the construction and installation of the water tank, including but not limited to labor, materials, permits, and inspections.

c. Complete the construction and installation of the water tank within 1 year following the approval of the PID.

3. Town's Obligations

The Town agrees to:

a. Review and approve plans for the construction and installation of the water tank in a timely manner.

b. Facilitate the necessary permits and inspections required for the construction and installation of the water tank.

c. Secure any easements required for said water tank and pipelines.

4. Indemnification

The Developer agrees to indemnify and hold harmless the Town from any and all claims, liabilities, losses, damages, or expenses arising from the construction and installation of the water tank.

5. Default

In the event that the Developer fails to fulfill its obligations under this Agreement, the Town reserves the right to pursue all available remedies, including but not limited to legal action and forfeiture of any approvals granted.

6. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of Utah.

7. Entire Agreement

This Agreement constitutes the entire understanding between the parties with respect to the subject matter hereof and supersedes all prior negotiations, discussions, and agreements.

IN WITNESS WHEREOF, the parties hereto have executed this Developer Agreement Addendum as of the date first above written.

Hidden Rock Development Group
By: _____
Name: _____
Title: _____
Date: _____

Town of Apple Valley
By: _____
Name: _____
Title: _____
Date: _____

FINAL LOCAL ENTITY PLAT - OCULTA ROCA PUBLIC INFRASTRUCTURE DISTRICT NO. 1

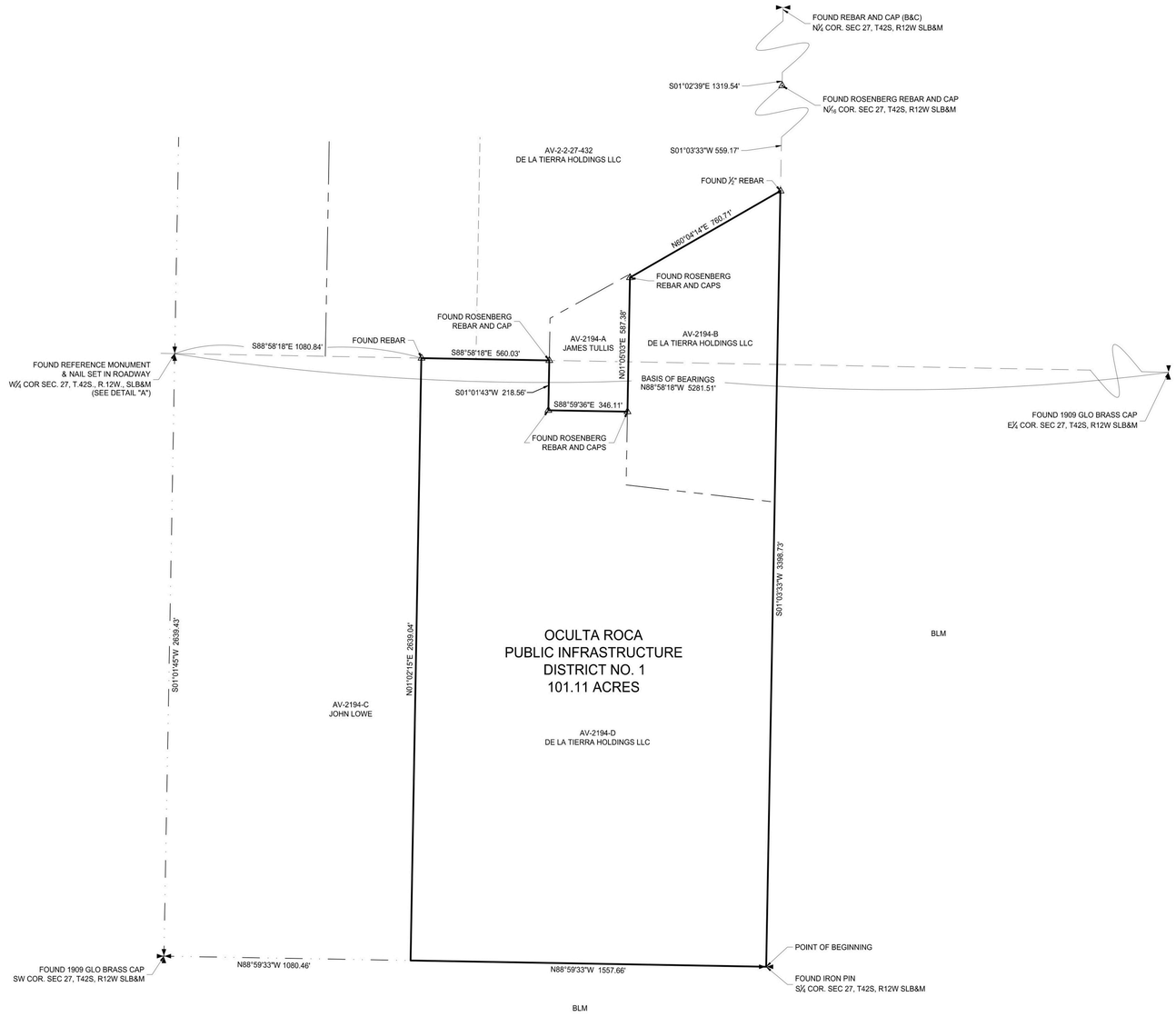
LOCATED IN THE WEST ½ SECTION 27, T. 42 S., R. 12 W., S.L.B.&M.
WASHINGTON COUNTY, UTAH
2024

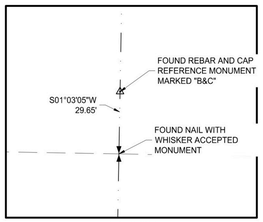
N

GRAPHIC SCALE

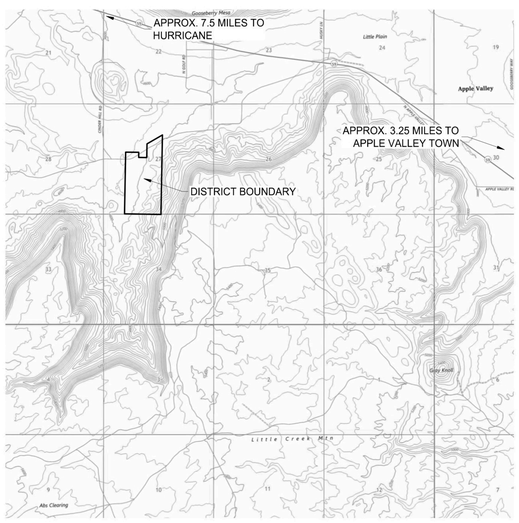
300 0 150 300 600 1200

(IN FEET)
1 inch = 300 ft.





DETAIL "A"
NOT TO SCALE



VICINITY MAP
NOT TO SCALE

SURVEYOR'S CERTIFICATE

I, TAYLOR D. CHRISTENSEN, A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING CERTIFICATE #13836199, CERTIFY THAT BY AUTHORITY OF THE PROPERTY OWNERS, THE PLAT SHOWN HEREON WAS MADE UNDER MY DIRECTION ACCORDING TO UTAH STATE CODE TITLE 17, CHAPTER 23, SECTION 20. I FURTHER CERTIFY THAT THIS PLAT CORRECTLY SHOWS THE DIMENSIONS OF THE DISTRICT TO BE CREATED.

PROFESSIONAL LAND SURVEYOR
NO. 13836199
TAYLOR D.
CHRISTENSEN
09/04/2024
Electronic Seal
STATE OF UTAH

TAYLOR D. CHRISTENSEN, P.L.S. #13836199

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, APPLE VALLEY TOWN, HAVE RECEIVED A PETITION SIGNED BY THE MAJORITY OF THE OWNERS OF THE TRACT SHOWN HEREON REQUESTING THAT SAID DISTRICT BE CREATED AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH ALL IN ACCORDANCE WITH THE UTAH CODE 17D-1-2 AS REVISED AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE CREATION OF THE SPECIAL SERVICE DISTRICT AS SHOWN AS PART OF SAID CITY AND THAT SAID TRACT OF LAND IS TO BE KNOWN HEREAFTER AS THE "OCULTA ROCA PUBLIC INFRASTRUCTURE DISTRICT NO. 1".

ACCEPTED THIS _____ DAY OF _____ , A.D. 2024.

MAYOR

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

DISTRICT BOUNDARY DESCRIPTION

A TRACT OF LAND IN THE EAST ½ OF SECTION 27, TOWNSHIP 42 SOUTH, RANGE 12 WEST, SALT LAKE BASE AND MERIDIAN, IN WASHINGTON COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT AN IRON PIN MONUMENTING THE SOUTH QUARTER CORNER OF SAID SECTION 27, RUNNING THENCE N88°59'33"W 1557.66 FEET ALONG THE SOUTHERLY SECTION LINE OF SAID SECTION 27; THENCE N01°02'15"E 2639.04 FEET TO THE EAST/WEST QUARTER SECTION LINE OF SAID SECTION 27; THENCE S88°58'18"E 560.03 FEET ALONG SAID QUARTER SECTION LINE TO A ROSENBERG REBAR AND CAP; THENCE S01°01'43"W 218.56 FEET TO A ROSENBERG REBAR AND CAP. THENCE S88°59'36"E 346.11 FEET TO A ROSENBERG REBAR AND CAP; THENCE N01°05'03"E 587.38 FEET TO A ROSENBERG REBAR AND CAP; THENCE N60°04'14"E 760.71 FEET TO A REBAR AND THE NORTH/SOUTH QUARTER SECTION LINE OF SAID SECTION 27; THENCE S01°03'33"W 3398.73 FEET ALONG SAID QUARTER SECTION LINE TO THE POINT OF BEGINNING.
CONTAINING 101.11 ACRES, MORE OR LESS.

LEGEND

- PROPOSED SPECIAL SERVICE DISTRICT BOUNDARY
- SECTION LINE
- SIXTEENTH SECTION LINE
- DEED LINE
- FOUND SECTION CORNER AS NOTED
- FOUND QUARTER SECTION CORNER AS NOTED
- FOUND SURVEY MONUMENT AS NOTED

FINAL LOCAL ENTITY PLAT
OCULTA ROCA PUBLIC INFRASTRUCTURE DISTRICT NO. 1

WASHINGTON COUNTY, UTAH
SCALE 1" = 300'

PREPARED BY:
Jones & DeMille Engineering, Inc.
CIVIL ENGINEERING - SURVEYING - TESTING - GIS - ENVIRONMENTAL
- infrastructure professionals -
1.800.748.5275 www.jonesanddemille.com

PROJECT NUMBER: 2408-029	FILE NAME: h:\jd\proj\2408-029\dwg\2408-029 survey final entity plat.dwg	
SURVEYED BY: JDE	DRAWN BY: TDC	UPDATED: 9/4/2024 PLOTTED: 9/4/2024

COUNTY SURVEYOR'S APPROVAL

THE HEREON ANNEXATION PLAT HAS BEEN REVIEWED AND IS APPROVED IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE THIS

_____ DAY OF _____ , A.D. 20__.

COUNTY SURVEYOR
WASHINGTON COUNTY, UTAH

TOWN ATTORNEY APPROVAL

APPROVED AS TO FORM, THIS THE

_____ DAY OF _____ , A.D. 20__.

CITY ATTORNEY
CITY OF APPLE VALLEY, UTAH

RECORDED NUMBER

WASHINGTON COUNTY RECORDER

PETITION REQUESTING THE CREATION OF OCULTA ROCA PUBLIC INFRASTRUCTURE DISTRICT NOS. 1-2 IN THE TOWN OF APPLE VALLEY, UTAH

September 11, 2024

Town of Apple Valley
Attn: Jenna Vizcardo, City Clerk/Recorder
1777 N. Meadowlark Dr.
Apple Valley, UT 84737

The undersigned (the "Petitioner") hereby requests that the Town of Apple Valley, Utah (the "City") approve the creation of two new public infrastructure districts to be known as Oculta Roca Public Infrastructure District No. 1 and No. 2 (the "Districts") pursuant to the Special District Act, Title 17B, Chapter 1, Utah Code Annotated 1953 and the Public Infrastructure District Act, Title 17D, Chapter 4, Utah Code Annotated 1953 (collectively, the "Act"). The Petitioner requests the Districts in order to assist in the financing of public infrastructure to service and benefit the proposed area of the District and the Annexation Area as described herein.

I. Petitioners

De La Tierra Holdings, LLC
100 Norfolk St. Apt. 6B
New York, NY 1002-5418
Owner of Parcel Nos. AV-2194-B, AV-2194-D, and AV-2-2-27-432

The Petitioner is signing this Petition as to those properties which are identified in **Exhibit A** hereto. Petitioner De La Tierra Holdings, LLC, is the sponsor of this Petition, and De La Tierra Holdings, LLC, c/o Matthew J. Ence at Snow Jensen & Reece, PC, (435) 628-3688, mence@snowjensen.com, is hereby designated as the contact sponsor.

II. Proposed District Boundaries

The Petitioner requests that the initial boundaries for the proposed Districts (the "District Boundaries") are intended to include the property described in Exhibit A hereto. The proposed District Boundaries, including a proposed annexation area, are also depicted on the maps attached as Exhibit B hereto.

III. Requested Service

The Petitioner requests that the Districts be created for the purpose of financing the construction of public infrastructure relating to the Development, as permitted under the Act, and as shall be further described in the governing document proposed for the District.

IV. Board of Trustees

The Petitioner proposes that the Board of Trustees for the District be initially composed of three (3) members appointed by the City Council who are property owners, their agents, or officers, as follows, subject to formal appointment by the City Council:

(a) Dallin Jolley
Officer or agent of Petitioner
c/o Snow Jensen & Reece, PC
912 W. 1600 S. Ste. B200
St. George, UT 84770

(b) Anish Bhatia
Officer or agent of Petitioner
c/o Snow Jensen & Reece, PC
912 W. 1600 S. Ste. B200
St. George, UT 84770

(c) Blaine Bernard
Officer or agent of Petitioner
c/o Snow Jensen & Reece, PC
912 W. 1600 S. Ste. B200
St. George, UT 84770

V. Petitioner Representations

The Petitioners hereby represents and warrants that:

(a) Those signing on behalf of entity owners are authorized to do so;

(b) The Petitioner is the sole owners of the real property included within each of the proposed District Boundaries;

(c) This Petition is signed by 100% of the surface property owners of real property within each of the District Boundaries;

(d) There are no registered voters residing within the any of the proposed District Boundaries; and

(e) The proposed Trustees listed above are registered voters at their primary residence and are either a property owner or the agent or officer of a property owner.

VI. Petitioner Consent

The Petitioner hereby consents to:

(a) The creation of public infrastructure districts having the District Boundaries described herein;

(b) The annexation of any portion of the Annexation Area (if any) into the District upon petition by the owner of such portion and any registered voters residing thereon;

(c) A waiver of the residency requirement for members of the Board of Trustees of the Districts as permitted under Section 17D-4-202(3)(a) of the Act;

(d) A waiver of the entirety of the protest period described in Section 17B-1-213 of the Act, pursuant to Section 17D-4-201(2)(b) of the Act;

(e) The recording of a notice as required under Section 17B-1-215(2)(a) and 17D-1-209(1)(a) of the Act, which will apply to all real property within the District Boundaries;

(f) The District levying a property tax of up to $0.010 per dollar of assessed value of taxable property within the respective District Boundaries, specifically including the properties of the Petitioners; and

(g) The issuance by the Districts of bonds repayable through property taxes, assessments, or other means available by law.

VII. Electronic Means; Counterparts

This Petition may be circulated by electronic means and executed in several counterparts, including by electronic signature, all or any of which may be treated for all purposes as an original and shall constitute and be one and the same document.

IN WITNESS WHEREOF, the Petitioner has executed and consented to this Petition as of the date indicated on the signature pages attached.

(signature pages to follow)

DE LA TIERRA HOLDINGS, LLC

By: DALLIN JOLLEY
Its: Authorized Signer

STATE OF UTAH)
ss:
COUNTY OF Washington)

On this 12th day of September, 2024, personally appeared before me Dallin Jolley whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn did say that he/she is an Authorized Signer for De La Tierra Holdings, LLC, that he/she was duly authorized by said company to sign this Petition, and that he/she acknowledged to me that said company executed the same for the uses and purposes set forth herein.

NOTARY PUBLIC

NATASHA ASMUS
Notary Public, State of Utah
Commission # 724483
My Commission Expires On
May 05, 2026

EXHIBIT A

Parcels and Legal Description

The following parcels located in Washington County, State of Utah:

PID No. 1 Legal Description:

A TRACT OF LAND IN THE EAST½ OF SECTION 27, TOWNSHIP 42 SOUTH, RANGE 12 WEST, SALT LAKE BASE AND MERIDIAN, IN WASHINGTON COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT AN IRON PIN MONUMENT IN THE SOUTH QUARTER CORNER OF SAID SECTION 27, RUNNING THENCE N 88°59'33"W 1557.66 FEET ALONG THE SOUTHERLY SECTION LINE OF SAID SECTION 27; THENCE N01°02'15"E 2639.04 FEET TO THE EAST/WEST QUARTER SECTION LINE OF SAID SECTION 27; THENCE S88°58'18"E 580.03 FEET ALONG SAID QUARTER SECTION LINE TO A ROSENBERG REBAR AND CAP; THENCE S01°01'43"W 218.56 FEET TO A ROSENBERG REBAR AND CAP; THENCE S88°59'36"E 346.11 FEET TO A ROSENBERG REBAR AND CAP; THENCE N01°05'03"E 587.38 FEET TO A ROSENBERG REBAR AND CAP; THENCE N60°04'14"E 760.71 FEET TO A REBAR AND THE NORTH/SOUTH QUARTER SECTION LINE OF SAID SECTION 27; THENCE S01°03'33"W 3398.73 FEET ALONG SAID QUARTER SECTION LINE TO THE POINT OF BEGINNING.
CONTAINING 101.11 ACRES, MORE OR LESS.

PID No. 2 Legal Description:

A TRACT OF LAND IN THE NORTH 112 OF SECTION 27, TOWNSHIP 42 SOUTH, RANGE 12 WEST, SALT LAKE BASE AND MERIDIAN IN WASHINGTON COUNTY, UTAH MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A ROSENBERG REBAR AND CAP LYING 659.96 FEET S88°58'18"E ALONG THE EAST/WEST QUARTER SECTION LINE OF SAID SECTION 27, FROM A NAIL MONUMENTING THE WEST ¼ CORNER OF SAID SECTION 27; RUNNING THENCE N01°02'30"E 1319.57 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27 AND TO A ROSENBERG REBAR AND CAP; IBENCE S88°58'03"E 782.99 FEET ALONG SAID NORTHWEST 1116TH LINE TO THE FLOWLINE OF GOULDS WASH; THENCE ALONG THE FLOWLINE OF GOULDS WASH THE FOLLOWING (22) TWENTY-TWO COURSES, (1) N68°02’23"E 25.84 FEET TO THE BEGINNING OF A CURVE, (2) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 26°03'06", HAVING A RADIUS OF 59.43 FEET AND WHOSE LONG CHORD BEARS N55°00'48"E 26.79 FEET TO THE BEGINNING OF A COMPOUND CURVE, (3) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 12°31'03", HAVING A RADIUS OF 129.84 FEET AND WHOSE LONG CHORD BEARS N35°43'44"E 28.31 FEET, (4) THENCE N29°28'16"E 75.24 FEET TO THE BEGINNING OF A CURVE, (5) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 10°24'14", HAVING A RADIUS OF 383.00 FEET AND WHOSE LONG CHORD BEARS N34°40'24"E 69.45 FEET, (6) THENCE

N39°52'31"E 232.66 FEET TO THE BEGINNING OF A CURVE, (7) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 10°24'51", HAVING A RADIUS OF 722.00 FEET AND WHOSE LONG CHORD BEARS N45°04'56"E 131.05 FEET, (8) THENCE N50°17'21"E 25.98 FEET TO THE BEGINNING OF A CURVE, (9) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 11°42'18" HAVING A RADIUS OF 333.00 FEET AND WHOSE LONG CHORD BEARS N56°08'29"E 67.91 FEET, (10) THENCE N61°59'37"E 80.09 FEET TO THE BEGINNING OF A CURVE, (11) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 07°33'12", HAVING A RADIUS OF 680.00 FEET AND WHOSE LONG CHORD BEARS N65°46'12"E 89.58 FEET, (12) THENCE N89°32'48"E 109.15 FEET TO THE BEGINNING OF A CURVE, (13) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 07°33'57'", HAVING A RADIUS OF 733.00 FEET AND WHOSE LONG CHORD BEARS N65°45'50"E 96.72 FEET TO THE BEGINNING OF A REVERSE CURVE, (14) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 12°06'57", HAVING A RADIUS OF 600.00 FEET AND WHOSE LONG CHORD BEARS N68°02'20"E 126.64 FEET, (15) THENCE N74°05'49"E 34.20 FEET TO THE BEGINNING OF A CURVE, (16) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 16°18'36", HAVING A RADIUS OF 135.00 FEET AND WHOSE LONG CHORD BEARS N66°01'00"E 38.30 FEET TO THE BEGINNING OF A CURVE, (17) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 15°33'56", HAVING A RADIUS OF 288.00 FEET AND WHOSE LONG CHORD BEARS N50°04'46"E 78.00 FEET, (18) THENCE N42°13'21"E 72.34 FEET, (19) THENCE N47°38'32"E 31.86 FEET, (20) THENCE N75°20'07”E 28.74 FEET, (21) THENCE N81°25'42"E 33.64 FEET, (22) THENCE S80°29'21"E 34.72 FEET TO THE NORTH/SOUTH QUARTER SECTION LINE OF SAID SECTION 27; THENCE N01°02’39"E 280.59 FEET ALONG SAID QUARTER SECTION LINE; THENCE S88°59'23"E 1117.50 FEET; THENCE S01°01'44"W 199.84 FEET; THENCE S88°59'23"E 425.00 FEET; THENCE S01°01'44'W 954.76 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE N88'59’06"W 1542.81 FEET ALONG SAID NORTHEAST CENTER 1116TH LINE TO A ROSENBERG REBAR AND CAP MONUMENTING THE CENTER NORTH 1116TH CORNER OF SAID SECTION 27; THENCE S01°03'33'W 559.17 FEET ALONG SAID NORTH/SOUTH QUARTER SECTION LINE TO A FOUND ½" REBAR; THENCE S60°04'14'W 760.71 FEET TO A ROSENBERG REBAR AND CAP; THENCE N00°54'20"E 15.25 FEET TO A ROSENBERG REBAR AND CAP; THENCE S61°05'34"W 400.04 FEET TO A ROSENBERG REBAR AND CAP; THENCE S01°01'23"W 184.57 FEET TO A ROSENBERG REBAR AND CAP; THENCE N88°58'18"W 980.90 FEET TO THE POINT OF BEGINNING.
CONTAINING 102.80 ACRES MORE OR LESS.

PID No. 1:
Parcel Nos.: AV-2194-B, AV-2194-D

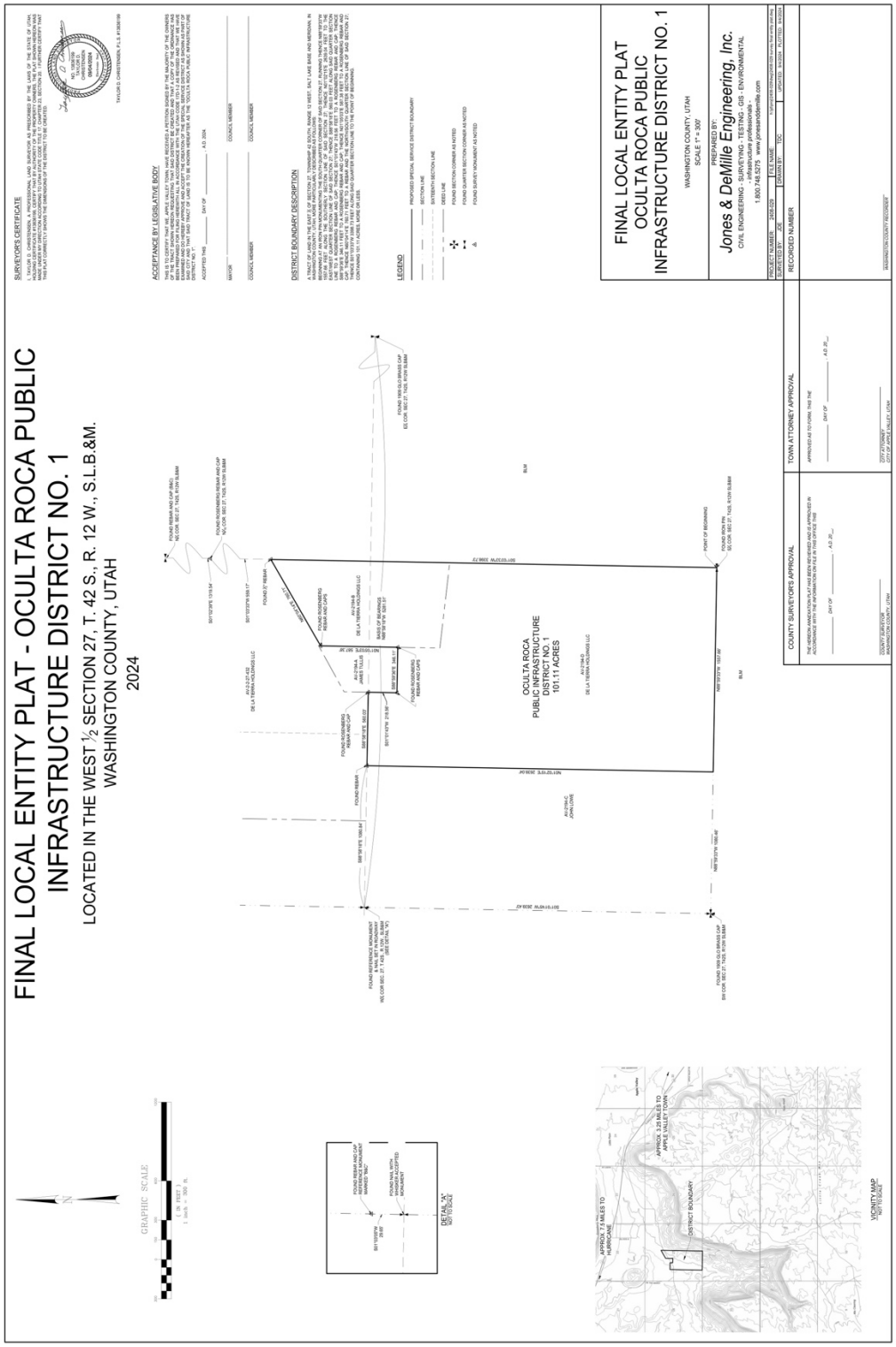
PID No. 2:
Parcel No. AV-2-2-27-432

Annexation Area Parcels:

Parcel Nos.: AV-2196-G, AV-2196-D, AV-2196-E, AV-2-2-28-230, AV-2196-A-1, AV-2-2-28-120, AV-2194-C, AV-2194-B, AV-2169-A-1, AV-2-2-28-220, AV-2194-A, AV-2194-D, AV-2196-A-1, AV-2195-B, AV-2-2-28-221, AV-2196-B, AV-2169-A-1, AV-2196-C, AV-2-2-27-431, AV-2-2-27-430, AV-2196-H, AV-2-2-28-110, AV-2194-A, AV-2-2-28-240, AV-2196-I, AV-2-2-27-432, AV-2169-B, AV-2196-F, AV-2194-A

EXHIBIT B

Proposed Initial Boundaries



FINAL LOCAL ENTITY PLAT - OCULTA ROCA PUBLIC INFRASTRUCTURE DISTRICT NO. 2

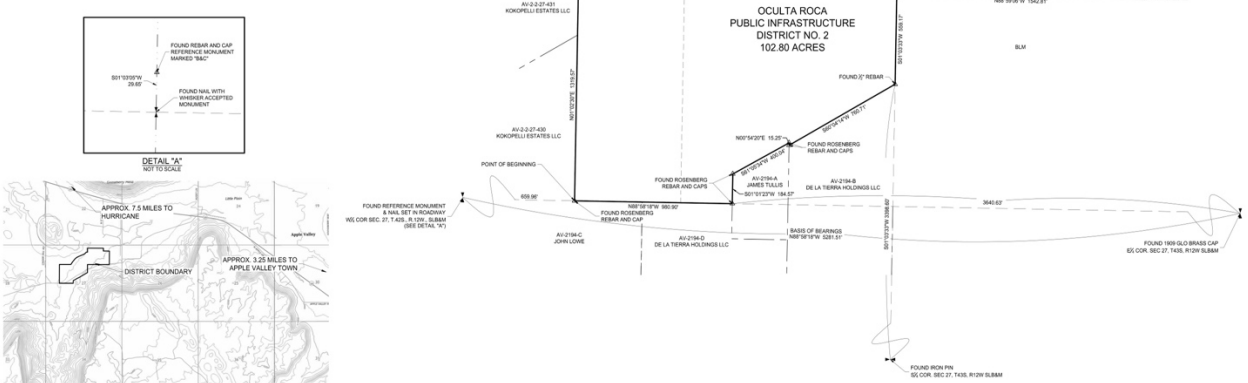
LOCATED IN THE NORTH ½ OF SECTION 27
T. 42 S., R. 12 W., S.L.B.&M.
WASHINGTON COUNTY, UTAH
2024

N

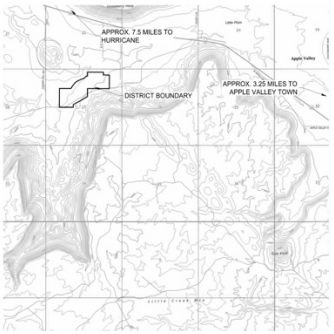
GRAPHIC SCALE

(IN FEET)
1 inch = 300 ft.

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	27.02	59.43	26°03'06"	N55° 00' 48"E	26.79
C2	28.37	129.84	12°31'03"	N35° 43' 44"E	28.31
C3	69.55	383.00	10°24'14"	N34° 40' 24"E	69.45
C4	131.23	722.00	10°24'51"	N45° 04' 56"E	131.05
C5	68.03	333.00	11°42'18"	N56° 08' 29"E	67.91
C6	89.64	680.00	7°33'12"	N65° 46' 12"E	89.58
C7	96.79	733.00	7°33'57"	N65° 45' 50"E	96.72
C8	126.88	600.00	12°06'57"	N68° 02' 20"E	126.64
C9	38.43	135.00	16°18'36"	N66° 01' 00"E	38.30
C10	78.24	288.00	15°33'56"	N50° 04' 46"E	78.00



DETAIL "A"
NOT TO SCALE



VICINITY MAP
NOT TO SCALE

SURVEYOR'S CERTIFICATE

I, TAYLOR D. CHRISTENSEN, A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING CERTIFICATE #13836199, CERTIFY THAT BY AUTHORITY OF THE PROPERTY OWNERS, THE PLAT SHOWN HEREON WAS MADE UNDER MY DIRECTION ACCORDING TO UTAH STATE CODE TITLE 17, CHAPTER 23, SECTION 20. I FURTHER CERTIFY THAT THIS PLAT CORRECTLY SHOWS THE DIMENSIONS OF THE DISTRICT TO BE CREATED.

NO. 13836199
TAYLOR D
CHRISTENSEN
08/29/2024
Registered Land Surveyor

TAYLOR D. CHRISTENSEN, P.L.S. #13836199

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, APPLE VALLEY TOWN, HAVE RECEIVED A PETITION SIGNED BY THE MAJORITY OF THE OWNERS OF THE TRACT SHOWN HEREON REQUESTING THAT SAID DISTRICT BE CREATED AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH ALL IN ACCORDANCE WITH THE UTAH CODE 17D-1-2 AS REVISED AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE CREATION OF THE SPECIAL SERVICE DISTRICT AS SHOWN AS PART OF SAID CITY AND THAT SAID TRACT OF LAND IS TO BE KNOWN HEREAFTER AS THE "OCULTA ROCA PUBLIC INFRASTRUCTURE DISTRICT NO. 2".

ACCEPTED THIS _____ DAY OF _____, A.D. 2024.

MAYOR _____ COUNCIL MEMBER _____

COUNCIL MEMBER _____ COUNCIL MEMBER _____

DISTRICT BOUNDARY DESCRIPTION

A TRACT OF LAND IN THE NORTH 1/2 OF SECTION 27, TOWNSHIP 42 SOUTH, RANGE 12 WEST, SALT LAKE BASE AND MERIDIAN IN WASHINGTON COUNTY, UTAH MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A ROSENBERG REBAR AND CAP LYING 659.98 FEET S88°58'18"E ALONG THE EAST/WEST QUARTER SECTION LINE OF SAID SECTION 27, FROM A NAIL MONUMENTING THE WEST ¼ CORNER OF SAID SECTION 27; RUNNING THENCE N01°03'28"E 1319.57 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27 AND TO A ROSENBERG REBAR AND CAP; THENCE S88°58'03"E 782.59 FEET ALONG SAID NORTHWEST 1/16TH LINE TO THE FLOWLINE OF GOULDS WASH; THENCE ALONG THE FLOWLINE OF GOULDS WASH THE FOLLOWING (22) TWENTY-TWO COURSES, (1) N68°02'23"E 25.84 FEET TO THE BEGINNING OF A CURVE, (2) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 26°03'06", HAVING A RADIUS OF 59.43 FEET AND WHOSE LONG CHORD BEARS N55°00'48"E 26.79 FEET TO THE BEGINNING OF A COMPOUND CURVE, (3) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 12°31'03", HAVING A RADIUS OF 129.84 FEET AND WHOSE LONG CHORD BEARS N35°43'44"E 28.31 FEET, (4) THENCE N29°28'16"E 75.24 FEET TO THE BEGINNING OF A CURVE, (5) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 10°24'14", HAVING A RADIUS OF 383.00 FEET AND WHOSE LONG CHORD BEARS N34°40'24"E 69.45 FEET, (6) THENCE N39°52'31"E 232.66 FEET TO THE BEGINNING OF A CURVE, (7) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 10°24'51", HAVING A RADIUS OF 722.00 FEET AND WHOSE LONG CHORD BEARS N45°04'56"E 131.05 FEET, (8) THENCE N50°17'21"E 25.98 FEET TO THE BEGINNING OF A CURVE, (9) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 11°42'18" HAVING A RADIUS OF 333.00 FEET AND WHOSE LONG CHORD BEARS N56°08'29"E 67.91 FEET, (10) THENCE N61°39'27"E 80.00 FEET TO THE BEGINNING OF A CURVE, (11) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 07°33'12", HAVING A RADIUS OF 680.00 FEET AND WHOSE LONG CHORD BEARS N65°46'12"E 89.58 FEET, (12) THENCE N69°32'48"E 109.15 FEET TO THE BEGINNING OF A CURVE, (13) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 07°33'57", HAVING A RADIUS OF 733.00 FEET AND WHOSE LONG CHORD BEARS N65°45'50"E 96.72 FEET TO THE BEGINNING OF A REVERSE CURVE, (14) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 12°06'57", HAVING A RADIUS OF 600.00 FEET AND WHOSE LONG CHORD BEARS N68°02'20"E 126.64 FEET, (15) THENCE N74°05'49"E 34.20 FEET TO THE BEGINNING OF A CURVE, (16) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 16°18'36", HAVING A RADIUS OF 135.00 FEET AND WHOSE LONG CHORD BEARS N66°01'00"E 38.30 FEET TO THE BEGINNING OF A CURVE, (17) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 15°33'56", HAVING A RADIUS OF 288.00 FEET AND WHOSE LONG CHORD BEARS N50°04'46"E 78.00 FEET, (18) THENCE N42°13'21"E 72.34 FEET, (19) THENCE N47°38'32"E 31.66 FEET, (20) THENCE N75°20'07"E 28.74 FEET, (21) THENCE N81°25'42"E 33.64 FEET, (22) THENCE S80°29'21"E 34.72 FEET TO THE NORTH/SOUTH QUARTER SECTION LINE OF SAID SECTION 27; THENCE N01°02'39"E 280.59 FEET ALONG SAID QUARTER SECTION LINE; THENCE S88°59'23"E 1117.50 FEET; THENCE S01°01'44"W 199.84 FEET; THENCE S88°59'23"E 425.00 FEET; THENCE S01°01'44"W, 954.16 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE N88°59'06"W 1542.81 FEET ALONG SAID NORTHEAST CENTER 1/16TH LINE TO A ROSENBERG REBAR AND CAP MONUMENTING THE CENTER NORTH 1/16TH CORNER OF SAID SECTION 27; THENCE S01°03'33"W 559.17 FEET ALONG SAID NORTH/SOUTH QUARTER SECTION LINE TO A FOUND ½" REBAR; THENCE S60°04'14"W 760.71 FEET TO A ROSENBERG REBAR AND CAP; THENCE N00°54'20"E 15.25 FEET TO A ROSENBERG REBAR AND CAP; THENCE S61°03'34"W 400.04 FEET TO A ROSENBERG REBAR AND CAP; THENCE S01°01'23"W 184.57 FEET TO A ROSENBERG REBAR AND CAP; THENCE N88°58'18"W 980.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 102.80 ACRES MORE OR LESS.

LEGEND

- PROPOSED SPECIAL SERVICE DISTRICT BOUNDARY
- SECTION LINE
- SIXTEENTH SECTION LINE
- DEED LINE
- FOUND SECTION CORNER AS NOTED
- FOUND QUARTER SECTION CORNER AS NOTED
- FOUND SURVEY MONUMENT AS NOTED

FINAL LOCAL ENTITY PLAT OCULTA ROCA PUBLIC INFRASTRUCTURE DISTRICT NO. 2

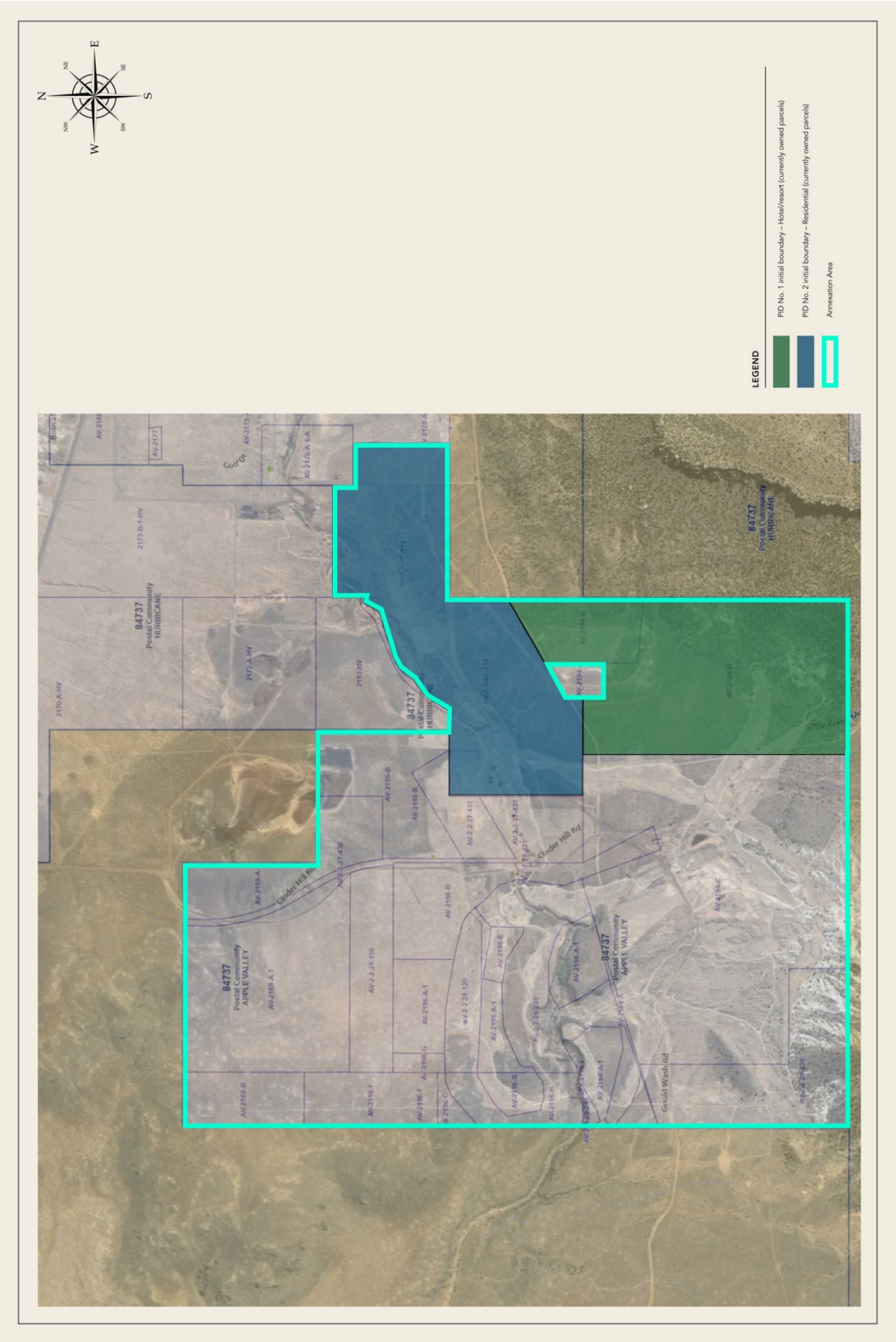
WASHINGTON COUNTY, UTAH
SCALE 1" = 300'

PREPARED BY:
Jones & DeMille Engineering, Inc.
CIVIL ENGINEERING - SURVEYING - TESTING - GIS - ENVIRONMENTAL
- infrastructure professionals -
1.800.748.5275 www.jonesanddemille.com

PROJECT NUMBER: 2408-029	FILE NAME:	\\jdpro\2408-029\dwg\2408-029 survey final entity plat2.dwg	
SURVEYED BY: JDE	DRAWN BY: TDC	UPDATED: 8/29/2024 PLOTTED: 8/29/2024	

COUNTY SURVEYOR'S APPROVAL	TOWN ATTORNEY APPROVAL	RECORDED NUMBER
THE HEREON ANNEXATION PLAT HAS BEEN REVIEWED AND IS APPROVED IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE THIS _____ *DAY OF* _____, *A.D. 20__*	*APPROVED AS TO FORM, THIS THE* _____ *DAY OF* _____, *A.D. 20__*	
COUNTY SURVEYOR WASHINGTON COUNTY, UTAH	*CITY ATTORNEY CITY OF APPLE VALLEY, UTAH*	*WASHINGTON COUNTY RECORDER*

Proposed Annexation Area Map



Apple Valley, Utah

September ___, 2024

The Town Council (the "Council") of Apple Valley, Utah (the "Town"), met in regular session (including by electronic means) on August 28, 2024, at its regular meeting place in Apple Valley, Utah at 6:00 p.m., with the following members of the Council being present:

Michael Farrar	Mayor
Kevin Sair	Councilperson
Janet Prentice	Councilperson
Annie Spendlove	Councilperson
Scott Taylor	Councilperson

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, the Town Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this September ___, 2024, meeting, a copy of which is attached hereto as Exhibit A.

Thereupon, the following Resolution was introduced in writing, read in full and pursuant to motion duly made by Councilperson _____ and seconded by Councilperson _____ adopted by the following vote:

AYE:

NAY:

The resolution was later signed by the Mayor and recorded by the Town Recorder in the official records of the Town. The resolution is as follows:

RESOLUTION _____

A RESOLUTION OF THE TOWN COUNCIL (THE "COUNCIL") OF THE TOWN OF APPLE VALLEY, UTAH (THE "TOWN"), PROVIDING FOR THE CREATION OF OCULTA ROCA PUBLIC INFRASTRUCTURE DISTRICT NOS. 1 & 2 (THE "DISTRICTS") AS INDEPENDENT BODY CORPORATE AND POLITIC; AUTHORIZING AND APPROVING A GOVERNING DOCUMENT, AN INTERLOCAL AGREEMENT, AND A NOTICE OF BOUNDARY ACTION; DELEGATING TO CERTAIN OFFICERS OF THE TOWN THE AUTHORITY TO APPROVE AND EXECUTE THE FINAL TERMS AND PROVISIONS OF THE GOVERNING DOCUMENT, THE INTERLOCAL AGREEMENT, THE NOTICE OF BOUNDARY ACTION AND ANY OTHER DOCUMENTS RELATED THERETO; AUTHORIZING THE DISTRICT TO PROVIDE SERVICES RELATING TO THE FINANCING AND CONSTRUCTION OF PUBLIC INFRASTRUCTURE TO SERVE THE DISTRICT AREA; APPOINTING A BOARD OF TRUSTEES FOR THE DISTRICT; AUTHORIZING OTHER DOCUMENTS IN CONNECTION THEREWITH; AND RELATED MATTERS.

WHEREAS, a petition (the "Petition") was filed with the Town requesting adoption by resolution the approval of the creation of a public infrastructure district pursuant to the Public Infrastructure District Act, Title 17D, Chapter 4, Utah Code Annotated 1953, as amended (the "PID Act") and relevant portions of Limited Purpose Local Government Entities - Special Districts, Title 17B (together with the PID Act, the "Act") within the boundaries of the Town, for the purpose of financing public infrastructure costs; and

WHEREAS, pursuant to the terms of the Act, the Town may create one or more public infrastructure districts by adoption of a resolution of the Council and with consent of 100% of all surface property owners proposed to be included in the Districts (the "Property Owners"); and

WHEREAS, the Petition containing the consent of such Property Owners has been certified by the Recorder of the Town pursuant to the Act and it is in the best interests of the Property Owners that the creation of the Districts be authorized in the manner and for the purposes hereinafter set forth; and

WHEREAS, the Property Owners have waived the 60-day protest period pursuant to Section 17D-4-201 of the PID Act; and

WHEREAS, it is necessary to authorize the creation of the Districts under and in compliance with the laws of the State of Utah and to authorize other actions in connection therewith; and

WHEREAS, the Town properly published notice of the public meeting in compliance with the applicable requirements of the Utah code; and

WHEREAS, none of the Property Owners submitted a withdrawal of consent to the creation of the District before the public meeting on the Petition; and

WHEREAS, each board member appointed under this Resolution has previously filed with the Town a disclosure of business relationships in compliance with Section 17D-4-202(9) of the PID Act; and

WHEREAS, according to attestations filed with the Town, each board member appointed under this Resolution is registered to vote at their primary residence and is further eligible to serve as a board member of the Districts under Section 17D-4-202(3)(c) of the PID Act because they are officers or agents of property owners within the District boundaries (as further set forth in the Petition); and

WHEREAS, the governance of the Districts shall be in accordance with the PID Act and the terms of a governing document (the "Governing Document") attached hereto as Exhibit B and an Interlocal Agreement between the Town and the District, attached to the Governing Document as Governing Document Exhibit C; and

WHEREAS, pursuant to the requirements of the Act, there shall be signed, authenticated, and submitted to the Office of the Lieutenant Governor of the State of Utah the Notices of Impending Boundary Action attached hereto as Exhibit C (the "Boundary Notices") and a Final Local Entity Plat to be submitted therewith (the "Plat").

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL, AS FOLLOWS:

1. Terms defined in the foregoing recitals shall have the same meaning when used herein. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Council and by officers of the Council directed toward the creation and establishment of the Districts, are hereby ratified, approved and confirmed.

2. The Districts are hereby created as a separate entity from the Town in accordance with the Governing Document and the Act. The boundaries of the Districts shall be as set forth in the Plat.

3. The Council does hereby authorize the Districts to provide services relating to the financing and construction of public infrastructure to serve the District Area.

4. It is hereby found and determined by the Council that the creation of the Districts is appropriate to the general welfare, order and security of the Town, and the organization of the Districts pursuant to the PID Act is hereby approved.

5. The Governing Document and the Interlocal Agreement in the form presented to this meeting and attached hereto as Exhibits B and Governing Document Exhibit C are hereby authorized and approved and the Districts shall be governed by the terms thereof and applicable law.

6. The District Board for each of the Districts is hereby appointed as follows:

(a) Trustee 1 – Dallin Jolley for an initial six-year term.

(b) Trustee 2 – Anish Bhatia for an initial six-year term.

(c) Trustee 3 – Blaine Bernard for an initial four-year term.

(d) Such terms shall commence on the date of issuance of a Certificate of Creation by the Office of the Lieutenant Governor of the State of Utah.

7. The Council does hereby authorize the Mayor to execute the Boundary Notices in substantially the form attached as Exhibit C and such other documents as shall be required to finalize the actions contemplated herein on behalf of the Council for submission to the Office of the Lieutenant Governor of the State of Utah.

8. Prior to certification of the creation of the Districts by the Office of the Lieutenant Governor of the State of Utah, the Council does hereby authorize the Mayor or her designee to make any corrections, deletions, or additions to the Governing Document, the Interlocal Agreement, and the Boundary Notices or any other document herein authorized and approved (including, but not limited to, corrections to the property descriptions therein contained) which may be necessary to conform the same to the intent hereof, to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments, to the provisions of this Resolution or any resolution adopted by the Council or the provisions of the laws of the State of Utah or the United States (provided that the debt and mill levy limitations established therein may not be modified pursuant to this provision).

9. The Boards of Trustees of the Districts (the "District Boards") are hereby authorized and directed to record such Governing Document with the recorder of Utah County within thirty (30) days of the issuance of a Certificate of Creation by the Office of the Lieutenant Governor of the State of Utah.

10. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

11. All acts, orders and resolutions, and parts thereof in conflict with this Resolution be, and the same are hereby, rescinded.

12. This resolution shall take effect immediately.

PASSED AND ADOPTED by the Town Council of the Town of Apple Valley, Utah, this _____, 2024.

TOWN OF APPLE VALLEY, UTAH

By:_____
Mayor

ATTEST:

By:_____
Town Recorder

(Here follows other business not pertinent to the above.)

Pursuant to motion duly made and seconded, the meeting of the Council of the Town adjourned.

By:_____
Mayor

ATTEST:

By:_____
Town Recorder

STATE OF UTAH)
: ss.
COUNTY OF UTAH)

I, Jenna Vizcardo, the undersigned duly qualified and acting Town Recorder of the Town of Apple Valley, Utah ("the Town"), do hereby certify as follows:

The foregoing pages are a true, correct, and complete copy of the record of proceedings of the Town Council (the "Council"), had and taken at a lawful meeting of the Council on September ____, 2024, commencing at the hour of 6:00 p.m., as recorded in the regular official book of the proceedings of the Council kept in my office, and said proceedings were duly had and taken as therein shown, and the meeting therein shown was duly held, and the persons therein were present at said meeting as therein shown.

All members of the Council were duly notified of said meeting, pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town, this September ____, 2024.

By:_____
Town Recorder

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Jenna Vizcardo, the undersigned Town Recorder of the Town of Apple Valley, Utah (the "Town"), do hereby certify that I gave written public notice of the agenda, date, time and place of the regular meeting held by the Council (the "Council") on September ____, 2024, not less than 24 hours in advance of the meeting. The public notice was given in compliance with the requirements of the Utah Open and Public Meetings Act, Section 52-4-202, Utah Code Annotated 1953, as amended, by:

(a) causing a Notice, in the form attached hereto as Schedule 1, to be posted at the Town's principal offices at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) causing a copy of such Notice, in the form attached hereto as Schedule 1, to be published on the Utah Public Notice Website (http://pmn.utah.gov) at least twenty-four (24) hours prior to the convening of the meeting; and

(c) causing a copy of such notice, in the form attached hereto as Schedule 1 to be posted on the Town's official website at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2024 Annual Meeting Schedule for the Council (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the Council of the Town to be held during the year, by causing said Notice to be posted at least annually (a) on the Utah Public Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended, (b) on the Town's official website and (c) in a public location within the Town that is reasonably likely to be seen by residents of the Town.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this September ____, 2024.

By:_____
Town Recorder

SCHEDULE 1

NOTICE OF MEETING AND AGENDA

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

EXHIBIT B

GOVERNING DOCUMENT

EXHIBIT C

NOTICES OF BOUNDARY ACTION

FINAL LOCAL ENTITY PLAT - OCULTA ROCA PUBLIC INFRASTRUCTURE DISTRICT NO. 2

LOCATED IN THE NORTH ½ OF SECTION 27
T. 42 S., R. 12 W., S.L.B.&M.
WASHINGTON COUNTY, UTAH
2024

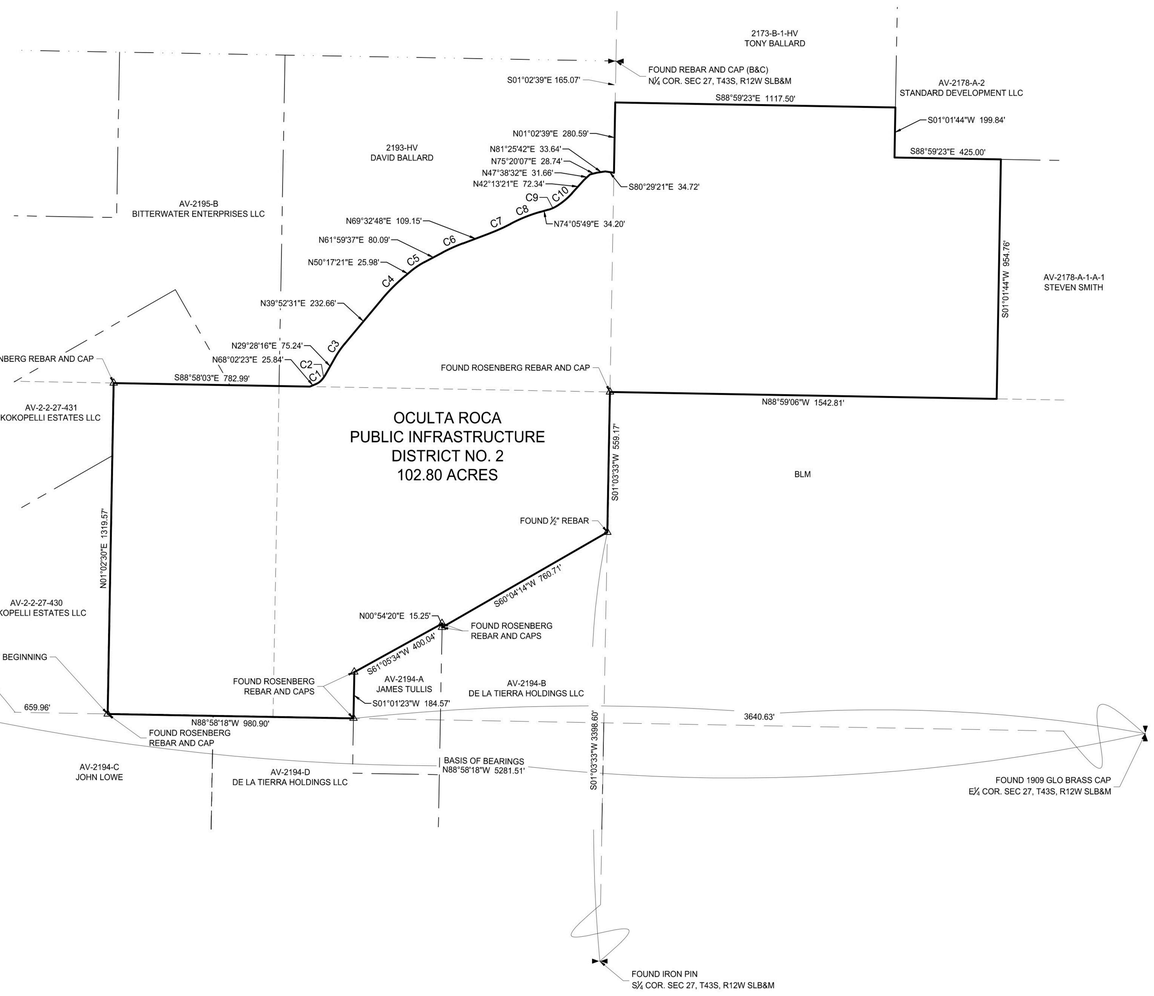
N

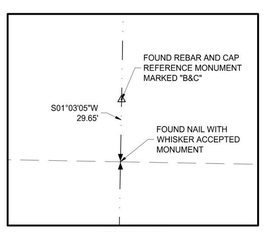
GRAPHIC SCALE

300 0 150 300 600 1200

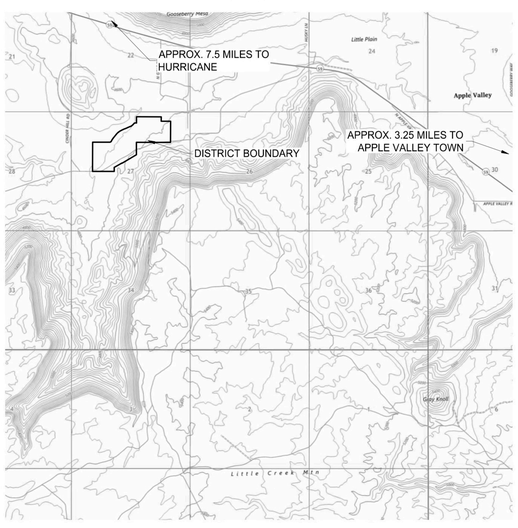
(IN FEET)
1 inch = 300 ft.

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	27.02	59.43	26°03'06"	N55° 00' 48"E	26.79
C2	28.37	129.84	12°31'03"	N35° 43' 44"E	28.31
C3	69.55	383.00	10°24'14"	N34° 40' 24"E	69.45
C4	131.23	722.00	10°24'51"	N45° 04' 56"E	131.05
C5	68.03	333.00	11°42'18"	N56° 08' 29"E	67.91
C6	89.64	680.00	7°33'12"	N65° 46' 12"E	89.58
C7	96.79	733.00	7°33'57"	N65° 45' 50"E	96.72
C8	126.88	600.00	12°06'57"	N68° 02' 20"E	126.64
C9	38.43	135.00	16°18'36"	N66° 01' 00"E	38.30
C10	78.24	288.00	15°33'56"	N50° 04' 46"E	78.00





DETAIL "A"
NOT TO SCALE



VICINITY MAP
NOT TO SCALE

SURVEYOR'S CERTIFICATE

I, TAYLOR D. CHRISTENSEN, A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING CERTIFICATE #13836199, CERTIFY THAT BY AUTHORITY OF THE PROPERTY OWNERS, THE PLAT SHOWN HEREON WAS MADE UNDER MY DIRECTION ACCORDING TO UTAH STATE CODE TITLE 17, CHAPTER 23, SECTION 20. I FURTHER CERTIFY THAT THIS PLAT CORRECTLY SHOWS THE DIMENSIONS OF THE DISTRICT TO BE CREATED.

PROFESSIONAL LAND SURVEYOR
NO. 13836199
TAYLOR D.
CHRISTENSEN
08/29/2024
Electronic Seal
STATE OF UTAH

TAYLOR D. CHRISTENSEN, P.L.S. #13836199

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, APPLE VALLEY TOWN, HAVE RECEIVED A PETITION SIGNED BY THE MAJORITY OF THE OWNERS OF THE TRACT SHOWN HEREON REQUESTING THAT SAID DISTRICT BE CREATED AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH ALL IN ACCORDANCE WITH THE UTAH CODE 17D-1-2 AS REVISED AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE CREATION OF THE SPECIAL SERVICE DISTRICT AS SHOWN AS PART OF SAID CITY AND THAT SAID TRACT OF LAND IS TO BE KNOWN HEREAFTER AS THE "OCULTA ROCA PUBLIC INFRASTRUCTURE DISTRICT NO. 2".

ACCEPTED THIS _____ DAY OF _____ , A.D. 2024.

MAYOR

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

DISTRICT BOUNDARY DESCRIPTION

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BEGINNING AT A ROSENBERG REBAR AND CAP LYING 659.96 FEET S88°58'18"E ALONG THE EAST/WEST QUARTER SECTION LINE OF SAID SECTION 27, FROM A NAIL MONUMENTING THE WEST ¼ CORNER OF SAID SECTION 27; RUNNING THENCE N01°02'30"E 1319.57 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27 AND TO A ROSENBERG REBAR AND CAP; THENCE S88°58'03"E 782.99 FEET ALONG SAID NORTHWEST 1/16TH LINE TO THE FLOWLINE OF GOULDS WASH; THENCE ALONG THE FLOWLINE OF GOULDS WASH THE FOLLOWING (22) TWENTY-TWO COURSES, (1) N68°02'23"E 25.84 FEET TO THE BEGINNING OF A CURVE, (2) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 26°03'06", HAVING A RADIUS OF 59.43 FEET AND WHOSE LONG CHORD BEARS N55°00'48"E 26.79 FEET TO THE BEGINNING OF A COMPOUND CURVE, (3) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 12°31'03", HAVING A RADIUS OF 129.84 FEET AND WHOSE LONG CHORD BEARS N35°43'44"E 28.31 FEET, (4) THENCE N29°28'16"E 75.24 FEET TO THE BEGINNING OF A CURVE, (5) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 10°24'14", HAVING A RADIUS OF 383.00 FEET AND WHOSE LONG CHORD BEARS N34°40'24"E 69.45 FEET, (6) THENCE N39°52'31"E 232.66 FEET TO THE BEGINNING OF A CURVE, (7) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 10°24'51", HAVING A RADIUS OF 722.00 FEET AND WHOSE LONG CHORD BEARS N45°04'56"E 131.05 FEET, (8) THENCE N50°17'21"E 25.98 FEET TO THE BEGINNING OF A CURVE, (9) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 11°42'18" HAVING A RADIUS OF 333.00 FEET AND WHOSE LONG CHORD BEARS N56°08'29"E 67.91 FEET, (10) THENCE N61°59'37"E 80.09 FEET TO THE BEGINNING OF A CURVE, (11) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 07°33'12", HAVING A RADIUS OF 680.00 FEET AND WHOSE LONG CHORD BEARS N65°46'12"E 89.58 FEET, (12) THENCE N69°32'48"E 109.15 FEET TO THE BEGINNING OF A CURVE, (13) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 07°33'57", HAVING A RADIUS OF 733.00 FEET AND WHOSE LONG CHORD BEARS N65°45'50"E 96.72 FEET TO THE BEGINNING OF A REVERSE CURVE, (14) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 12°06'57", HAVING A RADIUS OF 600.00 FEET AND WHOSE LONG CHORD BEARS N68°02'20"E 126.64 FEET, (15) THENCE N74°05'49"E 34.20 FEET TO THE BEGINNING OF A CURVE, (16) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 16°18'36", HAVING A RADIUS OF 135.00 FEET AND WHOSE LONG CHORD BEARS N66°01'00"E 38.30 FEET TO THE BEGINNING OF A CURVE, (17) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 15°33'56", HAVING A RADIUS OF 288.00 FEET AND WHOSE LONG CHORD BEARS N50°04'46"E 78.00 FEET, (18) THENCE N42°13'21"E 72.34 FEET, (19) THENCE N47°38'32"E 31.66 FEET, (20) THENCE N75°20'07"E 28.74 FEET, (21) THENCE N81°25'42"E 33.64 FEET, (22) THENCE S80°29'21"E 34.72 FEET TO THE NORTH/SOUTH QUARTER SECTION LINE OF SAID SECTION 27; THENCE N01°02'39"E 280.59 FEET ALONG SAID QUARTER SECTION LINE; THENCE S88°59'23"E 1117.50 FEET; THENCE S01°01'44"W 199.84 FEET; THENCE S88°59'23"E 425.00 FEET; THENCE S01°01'44"W 954.76 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE N88°59'06"W 1542.81 FEET ALONG SAID NORTHEAST CENTER 1/16TH LINE TO A ROSENBERG REBAR AND CAP MONUMENTING THE CENTER NORTH 1/16TH CORNER OF SAID SECTION 27; THENCE S01°03'33"W 559.17 FEET ALONG SAID NORTH/SOUTH QUARTER SECTION LINE TO A FOUND ½" REBAR; THENCE S60°04'14"W 760.71 FEET TO A ROSENBERG REBAR AND CAP; THENCE N00°54'20"E 15.25 FEET TO A ROSENBERG REBAR AND CAP; THENCE S61°05'34"W 400.04 FEET TO A ROSENBERG REBAR AND CAP; THENCE S01°01'23"W 184.57 FEET TO A ROSENBERG REBAR AND CAP; THENCE N88°58'18"W 980.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 102.80 ACRES MORE OR LESS.

LEGEND

- PROPOSED SPECIAL SERVICE DISTRICT BOUNDARY
- SECTION LINE
- SIXTEENTH SECTION LINE
- DEED LINE
- FOUND SECTION CORNER AS NOTED
- FOUND QUARTER SECTION CORNER AS NOTED
- FOUND SURVEY MONUMENT AS NOTED

FINAL LOCAL ENTITY PLAT
OCULTA ROCA PUBLIC INFRASTRUCTURE DISTRICT NO. 2

WASHINGTON COUNTY, UTAH
SCALE 1" = 300'

PREPARED BY:
Jones & DeMille Engineering, Inc.
CIVIL ENGINEERING - SURVEYING - TESTING - GIS - ENVIRONMENTAL
- infrastructure professionals -
1.800.748.5275 www.jonesanddemille.com

PROJECT NUMBER: 2408-029	FILE NAME: h:\jd\proj\2408-029\dwg\2408-029 survey final entity plat2.dwg		
SURVEYED BY: JDE	DRAWN BY: TDC	UPDATED: 8/29/2024 PLOTTED: 8/29/2024	

COUNTY SURVEYOR'S APPROVAL	TOWN ATTORNEY APPROVAL	RECORDED NUMBER
THE HEREON ANNEXATION PLAT HAS BEEN REVIEWED AND IS APPROVED IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE THIS	*APPROVED AS TO FORM, THIS THE*	
_____ DAY OF _____ , A.D. 20__.	*_____ DAY OF _____ , A.D. 20__.*	
COUNTY SURVEYOR *WASHINGTON COUNTY, UTAH*	*CITY ATTORNEY* *CITY OF APPLE VALLEY, UTAH*	*WASHINGTON COUNTY RECORDER*

GOVERNING DOCUMENT
FOR

OCULTA ROCA PUBLIC INFRASTRUCTURE DISTRICT NOS. 1 & 2

TOWN OF APPLE VALLEY, UTAH

Prepared
by
Snow Jensen & Reece, P.C.
912 West 1600 South, Suite B-200
St. George, Utah
September ___, 2024

TABLE OF CONTENTS

I. INTRODUCTION 1
A. Purpose and Intent 1
B. Need for the District 1
C. Objective of the Town Regarding District's Governing Document. 1

II. DEFINITIONS 2

III. BOUNDARIES 4

IV. PROPOSED LAND USE/POPULATION PROJECTIONS/ASSESSED VALUATION. 4

V. DESCRIPTION OF PROPOSED POWERS, IMPROVEMENTS AND SERVICES 5
A. Powers of the District and Governing Document Amendment. 5
1. Operations and Maintenance Limitation 5
2. Construction Standards Limitation 5
3. Procurement.. 5
4. Annexation and Withdrawal. 5
5. Overlap Limitation. 6
6. Initial Debt Limitation 6
7. Total Debt Issuance Limitation 6
8. Bankruptcy Limitation 6
9. Governing Document Amendment Requirement 7
B. Preliminary Engineering Survey. 7

VI. THE BOARD OF TRUSTEES 8
A. Board Composition.. 8
B. Reappointment.. 8
C. Vacancy 8
D. Compensation. 8
E. Conflicts of Interest 8

VII. REGIONAL IMPROVEMENTS 9

VIII. FINANCIAL PLAN 9
A. General. 9
B. Maximum Voted Interest Rate and Maximum Underwriting Discount. 9
C. Maximum Debt Mill Levy. 9
D. Maximum Debt Mill Levy Imposition Term. 10
E. Debt Repayment Sources. 10
F. Debt Instrument Disclosure Requirement. 10
G. Security for Debt. 10
H. District's Operating Costs. 11

IX. ANNUAL REPORT 11
A. General. 11
B. Reporting of Significant Events. 11

X. DISSOLUTION 12

XI. DISCLOSURE TO PURCHASERS 12

XII. INTERLOCAL AGREEMENT 13

XIII. CONCLUSION 13

LIST OF EXHIBITS

EXHIBIT A Legal Descriptions of the Initial Boundaries and Initial District Boundary Maps

EXHIBIT B Annexation Area Map

EXHIBIT C Interlocal Agreement between the District and Apple Valley Town

I. INTRODUCTION

A. Purpose and Intent.

The Districts are independent units of local government, separate and distinct from the Town, and, except as may otherwise be provided for by State or local law or this Governing Document, their activities are subject to review by the Town only if they deviate in a material matter from the requirements of the Governing Document. It is intended that the Districts will levy taxes to finance part or all of the Public Improvements that will serve the anticipated inhabitants and taxpayers in the Project. The Districts may, at their option, pledge tax revenues to an interlocal entity that provides part or all of the Public Improvements. The primary purpose of the Districts will be to finance or help finance the construction of the Public Improvements. The Districts are not being created to provide any ongoing operations and maintenance services.

B. Need for the Districts.

There are currently no other governmental entities, including the Town, that consider it desirable, feasible, or practical to undertake the planning, design, acquisition, construction installation, relocation, redevelopment, and financing of the Public Improvements needed for the Project. Formation of the Districts is therefore necessary in order for the Public Improvements required for the Project to be provided in the most economic manner possible.

C. Objective of the Town Regarding Districts' Governing Document.

The Town's objective in approving the Governing Document for the Districts is to authorize the Districts to provide for the planning, design, acquisition, construction, installation, relocation and redevelopment of the Public Improvements from the proceeds of Debt to be issued by the Districts or an entity to which the Districts have pledged tax revenues. All Debt is expected to be repaid by taxes imposed and collected for no longer than the Maximum Debt Mill Levy Imposition Term for residential properties and at a tax mill levy no higher than the Maximum Debt Mill Levy for commercial and residential properties, and/or repaid by Assessments. Debt which is issued within these parameters and, as further described in the Financial Plan, will insulate property owners from excessive tax burdens to support the servicing of the Debt and will result in a timely and reasonable discharge of the Debt.

This Governing Document is intended to establish a limited purpose for the Districts and explicit financial constraints that are not to be violated under any circumstances. The primary purpose is to provide the Public Improvements associated with Project and regional needs. Although the Districts have authority to directly provide the Public Improvements, the Districts also have authority to pledge tax revenues to an interlocal entity that provides the Public Improvements.

It is the intent of the Districts to dissolve upon payment or defeasance of all Debt incurred or upon a court determination that adequate provision has been made for the payment of all Debt.

The Districts are hereby authorized to finance the Public Improvements that can be funded from Debt to be repaid from Assessments, or from tax revenues collected from a mill levy which shall not exceed the Maximum Debt Mill Levy on taxable properties and which shall not exceed the Maximum Debt Mill Levy Imposition Term on taxable properties. It is the intent of this Governing Document to assure to the extent possible that no taxable property bear an economic burden that is greater than that associated with the Maximum Debt Mill Levy in amount and that no taxable property bear an economic burden that is greater than that associated with the Maximum Debt Mill Levy Imposition Term in duration even under bankruptcy or other unusual situations. Generally, the cost of Public Improvements that cannot be funded within these parameters are not costs to be paid by the Districts.

II. DEFINITIONS

In this Governing Document, the following terms shall have the meanings indicated below, unless the context hereof clearly requires otherwise:

Annexation Area Boundaries: means the boundaries of the area which is approved by the Town for annexation into a District upon the meeting of certain requirements stated in this Governing Document, as depicted on the map attached hereto as **Exhibit B**.

Anticipated Units: means residential units which are approved by the Town for development in a District and which are anticipated for sale or long-term lease as permanent residences (not including short-term rental or resort units).

Assessment: means assessments levied in an assessment area created within a District.

Assessment Act: means collectively, (i) Title 11, Chapter 42, Utah Code as may be amended from time to time and (ii) the C-PACE Act.

Board: means the board of trustees of a District.

Bond, Bonds or Debt: means bonds or other obligations, including loans of any property owner, for the payment of which a District has promised to impose an *ad valorem* property tax mill levy, and/or collect Assessments.

C-PACE Act: means Title 11, Chapter 42a of the Utah Code, as amended from time to time and any successor statute thereto.

C-PACE Bonds: means bonds, loans, notes, or other structures and obligations of the District issued pursuant to the C-PACE Act, including refunding C-PACE Bonds.

C-PACE Assessments: means assessments levied under the C-PACE Act.

Town: means the Town of Apple Valley, Utah.

Town Code: means the Apple Valley Town Code, Utah.

Town Council: means the Town Council of Apple Valley, Utah.

District: means the Oculta Roca Public Infrastructure District No. 1 or Oculta Roca Public Infrastructure District No. 2.

District Area: means all the property within the Initial District Boundary Map for both Districts, and including the Annexation Area.

Fees: means any fee imposed by a District for administrative services provided by a District.

Financial Plan: means the financial plan described in Section VIII.

General Obligation Debt: means a Debt that is payable from and secured by ad valorem property taxes that are levied by a District and does not include Limited Tax Debt.

Governing Document: means this Governing Document for the Districts approved by the Town Council.

Governing Document Amendment: means an amendment to the Governing Document approved by the Town Council in accordance with the Town's ordinance and the applicable state law and approved by the Board of each District to which the amendment applies, in accordance with applicable state law.

Initial District Boundaries: means, for each District, the boundaries of the area shown in the Initial District Boundary Map for that District and as particularly described in **Exhibit A**.

Initial District Boundary Map: means, for each District, the map attached hereto in **Exhibit A**, describing the District's initial boundaries.

Limited Tax Debt: means a debt that is payable from and secured by ad valorem property taxes that are levied by a District which may not exceed the Maximum Debt Mill Levy.

Maximum Debt Mill Levy: means the maximum mill levy a District is permitted to impose for payment of Debt as set forth in Section VIII.C below.

Maximum Debt Mill Levy Imposition Term: means the maximum term for imposition of a mill levy on a particular property as set forth in Section VIII.D below.

Municipal Advisor: means a consultant that: (i) advises Utah governmental entities on matters relating to the issuance of securities by Utah governmental entities, including matters such as the pricing, sales and marketing of such securities and the procuring of bond ratings, credit enhancement and insurance in respect of such securities; (ii) shall be an underwriter, investment banker, or individual listed as a public finance advisor in the Bond Buyer's Municipal Market Place; and (iii) is not an officer or employee of the District and has not been otherwise engaged to provide services in connection with the transaction related to the applicable Debt.

Project: means the development or property commonly known as Oculta Roca, the boundaries of which are within the Initial District Boundaries of the Districts.

PID Act: means Title 17D, Chapter 4 of the Utah Code, as amended from time to time.

Public Improvements: means a part or all of the public infrastructure that may be planned, designed, acquired, constructed, installed, relocated, redeveloped and financed by the District as generally allowed in the Special District Act and the PID Act, to serve the future taxpayers and inhabitants of the District or the Project as determined by the Board or any interlocal agency created by the Board.

Regional Improvements: means Public Improvements and facilities that benefit the Project and which may be financed pursuant to Section VII below.

Special District Act: means Title 17B of the Utah Code, as amended from time to time.

State: means the State of Utah.

Taxable Property: means real or personal property within the District Area subject to ad valorem taxes imposed by the District.

Trustee: means a member of a Board.

Utah Code: means the Utah Code Annotated 1953, as amended.

III. BOUNDARIES

The combined area of the Initial District Boundaries of both Districts includes approximately 203.91 acres. Legal descriptions of each District's Initial District Boundaries are attached as **Exhibit A**. A map of each of the Initial District Boundaries is attached hereto as **Exhibit A**. The Annexation Area of each District is the area depicted in **Exhibit B** hereto. It is anticipated that the District's boundaries may change from time to time as it undergoes annexations and withdrawals within the Annexation Area pursuant to the PID Act, subject to Article V below.

IV. PROPOSED LAND USE/POPULATION PROJECTIONS/ASSESSED VALUATION

The Initial Boundaries together consist of approximately 203.91 acres of undeveloped land. The current assessed valuation of the Initial District Boundaries at build out is expected to be sufficient to reasonably discharge the Debt under the Financial Plan.

Approval of this Governing Document by the Town does not imply approval of the development of a specific area within the District, nor does it imply approval of the number of residential units or the total site/floor area of commercial or industrial buildings identified in this Governing Document or any of the exhibits attached thereto.

V. DESCRIPTION OF PROPOSED POWERS, IMPROVEMENTS AND SERVICES

A. Powers of the Districts and Governing Document Amendment.

Each District shall have the power and authority to provide the Public Improvements within and without the boundaries of that District as such power and authority is described in the Special District Act, and other applicable statutes, common law and the Constitution, subject to any limitations set forth herein. Each District shall further have all power and authority as a "public agency" under the Interlocal Cooperation Act to enter into any interlocal agreement and to create any interlocal entity that may exercise any powers that may be exercised by a District.

1. Operations and Maintenance Limitation. The purpose of each District is to plan for, design, acquire, construct, install, relocate, redevelop and finance the Public Improvements. Each District shall dedicate the Public Improvements to the Town or other appropriate public entity or owners association in a manner consistent with the applicable provisions of the Town Code.

2. Construction Standards Limitation. Each District will design and construct the Public Improvements in accordance with the standards and specifications of the Town. Each District will obtain applicable permits for construction and installation of Public Improvements prior to performing such work.

3. Procurement. Each District shall be subject to the Utah Procurement Code, Title 63G, Chapter 6a. Notwithstanding this requirement, a District may acquire completed or partially completed improvements for fair market value as reasonably determined by a surveyor or engineer that the District employs or engages to perform the necessary engineering services for and to supervise the construction or installation of the improvements (which may be a Town surveyor or engineer).

4. Privately Placed Debt Limitation. Prior to the issuance of any privately placed Debt, a District shall obtain the certification of a Municipal Advisor substantially as follows:

> We are [I am] a Municipal Advisor within the meaning of the District's Governing Document.
>
> We [I] certify that (1) the net effective interest rate to be borne by [insert the designation of the Debt] does not exceed a reasonable current [tax-exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high yield securities; and (2) the structure of [insert designation of the Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.]

5. Annexation and Withdrawal.

(a) Neither District shall include within any of its boundaries any property outside the District Area without the prior written consent of the Town. The Town, by resolution, has consented to each District's annexation of any area within the Annexation Area Boundaries into the District. A District may, by resolution, and without the prior written consent of the Town, annex any property within the District Area if the District has the consent of all property owners and registered voters, if any, within the area to be annexed.

(b) The Town, by resolution, has consented to the withdrawal of any area within the District Boundaries from a District. Such area may only be withdrawn upon the District obtaining consent of all property owners and registered voters, if any, within the area proposed to be withdrawn and the passage of a resolution of the Board approving such withdrawal.

(c) Any annexation or withdrawal shall be in accordance with the requirements of the PID Act.

(d) Upon any annexation or withdrawal, the District shall provide the Town a description of the revised District Boundaries.

(e) Annexation or withdrawal of any area in accordance with V.A.5(a) and (b) shall not constitute an amendment of this Governing Document.

6. Overlap Limitation. No District shall consent to the organization of any other public infrastructure district organized under the PID Act within the District Area which will overlap the boundaries of that District unless the aggregate mill levy for payment of Debt of such proposed districts will not at any time exceed the Maximum Debt Mill Levy of the Districts. A District may annex an area that is a part of another public infrastructure district only if the aggregate mill levy for payment of Debt of the overlapping area would not exceed the Maximum Debt Mill Levy of the Districts.

7. Initial Debt Limitation. On or before the effective date of approval by the Town of the Interlocal Agreement provided in **Exhibit C**, the Districts shall not: (a) issue any Debt; nor (b) impose a mill levy for the payment of Debt by direct imposition or by transfer of funds from the operating fund to the Debt service funds; nor (c) impose and collect any Assessments used for the purpose of repayment of Debt.

8. Total Debt Issuance Limitation. There shall be no limit to the amount of Debt that may be issued by the Districts, except as may be limited by the Maximum Debt Mill Levy set forth herein. There is no limit to the amount of Assessment Debt or C-PACE Bonds the Districts may issue so long as such issuances are in accordance with the provisions of the applicable Assessment Act.

9. Bankruptcy Limitation. All of the limitations contained in this Governing Document, including, but not limited to, those pertaining to the Maximum Debt Mill Levy, Maximum Debt Mill Levy Imposition Term and the Fees have been established under the authority of the Town to approve a Governing Document with conditions pursuant to Section 17D-4-201(5), Utah Code. It is expressly intended that such limitations:

(a) Shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a Governing Document Amendment; and

(b) Are, together with all other requirements of Utah law, included in the "political or governmental powers" reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the "regulatory or electoral approval necessary under applicable nonbankruptcy law" as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 943(b)(6).

Any Debt, issued with a pledge or which results in a pledge, that exceeds the Maximum Debt Mill Levy and the Maximum Debt Mill Levy Imposition Term, shall be deemed a material modification of this Governing Document and shall not be an authorized issuance of Debt unless and until such material modification has been approved by the Town as part of a Governing Document Amendment.

10. Eminent Domain. The Districts shall not exercise eminent domain or utilize any funds of the Districts to support any eminent domain action or proceeding unless (i) the public improvements for which eminent domain is proposed are specifically approved under the Interlocal Agreement or a Development Agreement, or a separate agreement of the Town and (ii) their location complies with a master infrastructure plan or similar plan of the Town or the applicable service provider.

11. Governing Document Amendment Requirement.

(a) This Governing Document has been designed with sufficient flexibility to enable each District to provide required improvements and facilities under evolving circumstances without the need for amendments. Actions of a District which clearly violate the limitations set forth in V.A.1-9 above or in VIII.B-G. shall be deemed to be material violations of this Governing Document and the Town shall be entitled to all remedies available under State and local law to enjoin such actions of the District.

(b) Subject to the limitations and exceptions contained herein, this Governing Document may be amended by passage of resolutions of the Town and each District affected by such amendment.

B. Preliminary Engineering Survey.

Each District shall have authority to provide for the planning, design, acquisition, construction, installation, relocation, redevelopment, maintenance, and financing of the Public Improvements within and without the boundaries of the District. An estimate of the costs of the Public Improvements which may be planned for, designed, acquired, constructed, installed, relocated, redeveloped, maintained or financed will be prepared based upon a preliminary engineering survey and estimates derived from the zoning on the property in the District Area.

All of the Public Improvements will be designed in such a way as to assure that the Public Improvements standards will be compatible with those of the Town and/or any other

applicable public entity. All construction cost estimates are based on the assumption that construction conforms to applicable local, State or Federal requirements.

VI. THE BOARD OF TRUSTEES

A. Board Composition. The Board of each District shall be composed of 3 Trustees who shall be appointed by the Town Council pursuant to the PID Act. Trustees 1, 2, and 3 shall be at large seats. Trustee terms shall be staggered with initial terms as follows: Trustees 1 and 2 shall serve an initial term of six years; Trustee 3 shall serve an initial term of four years. In accordance with the PID Act, appointed Trustees shall not be required to be residents of the District.

B. Reappointment. Upon the expiration of a Trustee's respective term, the seat shall be appointed by the Town Council pursuant to the PID Act. If a Trustee's term will expire within two years of the District's first annexation, the Town Council will re-appoint the Trustee(s) for an additional term. In the event that no qualified candidate files to be considered for appointment for a seat, such seat may be filled in accordance with the Local District Act.

C. Transition to Elected Board. For each District in which Anticipated Units are developed, respective board seats shall transition from appointed to elected seats according to the following milestones:

1. Trustee 1. Trustee 1 shall transition to an elected seat after the end of a full term during which 50% of the Anticipated Units have received certificates of occupancy.

2. Trustee 2. Trustee 2 shall transition to an elected seat after the end of a full term during which 70% of the Anticipated Units have received certificates of occupancy.

3. Trustee 3. Trustee 3 shall transition to an elected seat after the end of a full term during which 90% of the Anticipated Units have received certificates of occupancy.

No transition pursuant to this Section on the basis of the number of building permits issued shall become effective until the next scheduled regular election of the District. Seats set to transition on January 1 of a given year shall hold an election for such seats at the regular election immediately preceding such January 1. In the event that a District has no Anticipated Units, the Trustees shall continue to be appointed.

D. Vacancy. Any vacancy on a Board shall be filled pursuant to the Special District Act and in accordance with the PID Act.

E. Compensation. Only Trustees who are residents of a District may be compensated for services as Trustee. Such compensation shall be in accordance with State Law.

F. Conflicts of Interest. Trustees shall disclose all conflicts of interest. Any Trustee who discloses such conflicts in accordance with 17D-4-202(9) and 67-16-9, Utah Code, shall be entitled to vote on such matters.

VII. REGIONAL IMPROVEMENTS

The District shall be authorized to facilitate or provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment and a contribution to the funding of the Regional Improvements and fund the administration and overhead costs related to the provisions of the Regional Improvements. Regional Improvements may include roadways, utility connections in said roadways, and any other such public improvements.

VIII. FINANCIAL PLAN

A. General.

The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment of the Public Improvements from its revenues and by and through the proceeds of Debt to be issued by the District or an interlocal entity to which the District has pledged its revenues. The Financial Plan for the District shall be to issue such Debt as the District can reasonably pay within the Maximum Debt Mill Levy Imposition Term from revenues derived from the Maximum Debt Mill Levy, Assessments and other legally available revenues, or in the alternative, at the District's option, to pledge revenues derived from the Maximum Debt Mill Levy, Assessments and other legally available revenues to an interlocal entity that will issue such Debt as can be reasonably be paid. If the District issues Debt, the total Debt that the District issues shall be issued on a schedule and in such year or years as the District determine shall meet the needs of the Financial Plan referenced above and phased to serve development as it occurs. Any portion of bonds issued to refund a prior issuance of debt by the District shall not count against the permitted total Debt. All bonds and other Debt issued by the District may be payable from any and all legally available revenues of the District, including general ad valorem taxes to be imposed upon all Taxable Property within the District and Assessments. The District may also rely upon various other revenue sources authorized by law. These will include the power to assess Fees, penalties, or charges, including as provided in Section 17D-4-302, Utah Code, as amended from time to time.

B. Maximum Voted Interest Rate and Maximum Underwriting Discount.

The interest rate on any Debt is expected to be the market rate at the time the Debt is issued. In the event of a default, the proposed maximum interest rate on any Debt is not expected to exceed eighteen percent (18%). The proposed maximum underwriting discount will be five percent (5%). Debt, if issued by the District, will comply with all relevant requirements of this Governing Document, State law and Federal law as then applicable to the issuance of public securities.

C. Maximum Debt Mill Levy.

(a) The "Maximum Debt Mill Levy" shall be the maximum mill levy the District is permitted to impose upon the taxable property within the District for payment of Limited Tax Debt shall be **0.010 per dollar or ten (10) mills**; provided that such levy shall be subject to adjustment as provided in Section 17D-4-301(8), Utah Code.

(b) Such Maximum Debt Mill Levy may only be amended pursuant to a Governing Document Amendment and as provided in Section 17D-4-202, Utah Code.

D. Maximum Debt Mill Levy Imposition Term.

Any bond issued by the District shall mature within thirty (30) years from the date of issuance of such bond. In addition, no mill levy may be imposed for the repayment of a series of the District's bonds after a period exceeding forty (40) years from the date of issuance of such bond (the "Maximum Debt Mill Levy Imposition Term").

E. Debt Repayment Sources.

The District may impose a mill levy on taxable property within its boundaries as a primary source of revenue for repayment of debt service. The District may also rely upon various other revenue sources authorized by law. At the District's discretion, these may include the power to assess Assessments, penalties, or charges, including as provided in Section 17D-4-203, Utah Code, as amended from time to time. Except as described in Section VIII.C(a), the debt service mill levy in the District shall not exceed the Maximum Debt Mill Levy or, the Maximum Debt Mill Levy Imposition Term, except for repayment of General Obligation Debt.

The District shall not be permitted to charge an End User the costs of any portion of a Public Improvement for which such End User has already paid or is presently obligated to pay through any combination of mill levy, Assessment, or impact fee. This provision shall not prohibit the division of costs between mill levies, Assessments, or impact fees, but is intended to prevent double taxation of End Users for the costs of Public Improvements.

F. Debt Instrument Disclosure Requirement.

In the text of any Bond and any other instrument representing and constituting Debt, the District shall set forth a statement in substantially the following form:

> By acceptance of this instrument, the owner of this Bond agrees and consents to all of the limitations in respect of the payment of the principal of and interest on this Bond contained herein, in the resolution of the District authorizing the issuance of this Bond and in the Governing Document for creation of the District.

Similar language describing the limitations in respect of the payment of the principal of and interest on Debt set forth in this Governing Document shall be included in any document used for the offering of the Debt for sale to persons, including, but not limited to, a developer of property within the boundaries of the District.

G. Security for Debt.

The District shall not pledge any revenue or property of the Town as security for the indebtedness set forth in this Governing Document. Approval of this Governing Document shall not be construed as a guarantee by the Town of payment of any of the District's obligations;

nor shall anything in the Governing Document be construed so as to create any responsibility or liability on the part of the Town in the event of default by the District in the payment of any such obligation.

H. District's Operating Costs.

The estimated cost of acquiring land, engineering services, legal services and administrative services, together with the estimated costs of the District's organization and initial operations, are anticipated to be Seventy-five Thousand Dollars ($75,000), which will be eligible for reimbursement from Debt proceeds.

In addition to the capital costs of the Public Improvements, the District will require operating funds for administration and to plan and cause the Public Improvements to be constructed. The first year's operating budget is estimated to be approximately Sixty-five Thousand Dollars ($65,000) which is anticipated to be derived from property taxes and other revenues.

I. Bond and Disclosure Counsel.

It is the intent of the Town that the District shall use competent and nationally recognized bond and disclosure counsel with respect to District Bonds to ensure proper issuance and compliance with this Governing Document.

IX. ANNUAL REPORT

A. General.

The District shall submit an annual report to the Town Manager's Office no later than July 1st of each year following the year in which the District was created.

B. Reporting of Significant Events.

The annual report shall include information as to any of the following:

1. Boundary changes made or proposed to the District's boundary as of December 31 of the prior year.

2. List of current interlocal agreements, if changed (to be delivered to the Creating Entity upon request);

3. Names and terms of Board members and officers;

4. District office contact information;

5. Rules and regulations of the District regarding bidding, conflict of interest, contracting, and other governance matters, if changed;

6. A summary of any litigation which involves the District Public Improvements as of December 31 of the prior year;

7. Status of the District's construction of the Public Improvements as of December 31 of the prior year and listing all facilities and improvements constructed by the District that have been dedicated to and accepted by the Town as of December 31 of the prior year;

8. A table summarizing total debt authorized and total debt issued by the District as well as any presently planned debt issuances;

9. Official statements of current outstanding bonded indebtedness, if not previously provided to the Creating Entity;

10. The assessed valuation of the District for the current year;

11. Current year budget including a description of the Public Improvements to be constructed in such year;

12. Audit of the District's financial statements, for the year ending December 31 of the previous year;

13. Notice of any uncured events of default by the District, which continue beyond a ninety (90) day period, under any Debt instrument; and

14. Any inability of the District to pay its obligations as they come due, in accordance with the terms of such obligations, which continue beyond a ninety (90) day period.

X. DISSOLUTION

Upon an independent determination of the Town Council that the purposes for which the District was created have been accomplished, the District agrees to file petitions in the appropriate District Court for dissolution, pursuant to the applicable State statutes. In no event shall a dissolution occur until the District has provided for the payment or discharge of all of its outstanding indebtedness and other financial obligations as required pursuant to State statutes. Further, in no event shall a dissolution occur until the District has satisfied all contractual obligations, including but not limited to any pledge of tax revenues to an interlocal entity.

XI. DISCLOSURE TO PURCHASERS

Within thirty (30) days of the Town adopting a resolution creating the District, the Board shall record a notice with the recorder of Washington County. Such notice shall (a) contain a description of the Initial Boundaries of the District, (b) state that a copy of this Governing Document is on file at the office of the Town, (c) state that the District may finance and repay infrastructure and other improvements through the levy of a property tax; (d) state the Maximum Debt Mill Levy of the District; and (d) if applicable, stating that the debt may convert to general obligation debt and outlining the provisions relating to conversion. Such notice shall further be filled with the Town.

In addition, the Applicant and the Board shall ensure that the Applicant, homebuilders, and commercial developers, as applicable, disclose the following information to initial resident homeowners and commercial property owners:

(1) All of the information in the first paragraph of this Article XI;

(2) A disclosure outlining the impact of any applicable property tax, in substantially the following form:

"Under the maximum property tax rate of the District, each $100,000.00 of taxable value of a given property would have an **additional annual property tax of $1,000** for the duration of the District's Bonds."

(3) Such disclosures shall be contained on a separate colored page of the applicable closing or lease documents and shall require a signature of such end user acknowledging the foregoing.

XII. INTERLOCAL AGREEMENT

The form of the Interlocal Agreement, relating to the limitations imposed on the Districts' activities, is attached hereto as **Exhibit C**. Each District shall approve the Interlocal Agreement in the form attached as **Exhibit C** at its first Board meeting after its organizational election. Failure of the District to execute the Interlocal Agreement as required herein shall constitute a material violation and shall require a Governing Document Amendment. The Town Council shall approve the Interlocal Agreement in the form attached as **Exhibit C** at the public hearing approving the Governing Document.

XIII. CONCLUSION

The creation of the Districts are in the best interests of the area proposed to be served.

EXHIBIT A

Legal Descriptions of the Initial District Boundaries

PID No. 1 Legal Description:

A TRACT OF LAND IN THE EAST½ OF SECTION 27, TOWNSHIP 42 SOUTH, RANGE 12 WEST, SALT LAKE BASE AND MERIDIAN, IN WASHINGTON COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT AN IRON PIN MONUMENT IN THE SOUTH QUARTER CORNER OF SAID SECTION 27, RUNNING THENCE N 88°59'33"W 1557.66 FEET ALONG THE SOUTHERLY SECTION LINE OF SAID SECTION 27; THENCE N01°02'15"E 2639.04 FEET TO THE EAST/WEST QUARTER SECTION LINE OF SAID SECTION 27; THENCE S88°58'18"E 580.03 FEET ALONG SAID QUARTER SECTION LINE TO A ROSENBERG REBAR AND CAP; THENCE S01°01'43"W 218.56 FEET TO A ROSENBERG REBAR AND CAP; THENCE S88°59'36"E 346.11 FEET TO A ROSENBERG REBAR AND CAP; THENCE N01°05'03"E 587.38 FEET TO A ROSENBERG REBAR AND CAP; THENCE N60°04'14"E 760.71 FEET TO A REBAR AND THE NORTH/SOUTH QUARTER SECTION LINE OF SAID SECTION 27; THENCE S01°03'33"W 3398.73 FEET ALONG SAID QUARTER SECTION LINE TO THE POINT OF BEGINNING.
CONTAINING 101.11 ACRES, MORE OR LESS.

PID No. 2 Legal Description:

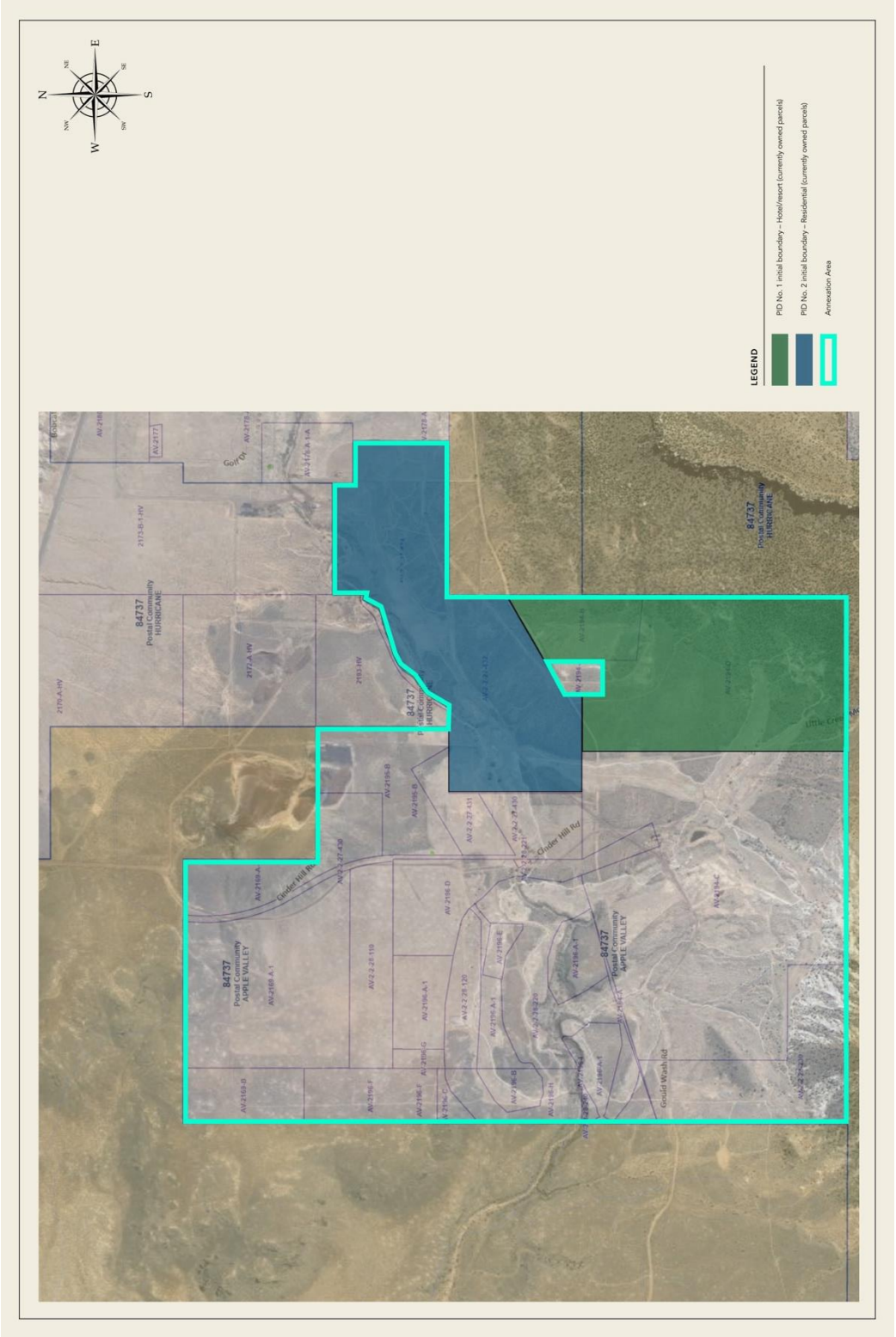
A TRACT OF LAND IN THE NORTH 112 OF SECTION 27, TOWNSHIP 42 SOUTH, RANGE 12 WEST, SALT LAKE BASE AND MERIDIAN IN WASHINGTON COUNTY, UTAH MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A ROSENBERG REBAR AND CAP LYING 659.96 FEET S88°58'18"E ALONG THE EAST/WEST QUARTER SECTION LINE OF SAID SECTION 27, FROM A NAIL MONUMENTING THE WEST ¼ CORNER OF SAID SECTION 27; RUNNING THENCE N01°02'30"E 1319.57 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27 AND TO A ROSENBERG REBAR AND CAP; IBENCE S88°58'03"E 782.99 FEET ALONG SAID NORTHWEST 1116TH LINE TO THE FLOWLINE OF GOULDS WASH; THENCE ALONG THE FLOWLINE OF GOULDS WASH THE FOLLOWING (22) TWENTY-TWO COURSES, (1) N68°02’23"E 25.84 FEET TO THE BEGINNING OF A CURVE, (2) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 26°03'06", HAVING A RADIUS OF 59.43 FEET AND WHOSE LONG CHORD BEARS N55°00'48"E 26.79 FEET TO THE BEGINNING OF A COMPOUND CURVE, (3) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 12°31'03", HAVING A RADIUS OF 129.84 FEET AND WHOSE LONG CHORD BEARS N35°43'44"E 28.31 FEET, (4) THENCE N29°28'16"E 75.24 FEET TO THE BEGINNING OF A CURVE, (5) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 10°24'14", HAVING A RADIUS OF 383.00 FEET AND WHOSE LONG CHORD BEARS N34°40'24"E 69.45 FEET, (6) THENCE N39°52'31"E 232.66 FEET TO THE BEGINNING OF A CURVE, (7) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 10°24'51", HAVING A

RADIUS OF 722.00 FEET AND WHOSE LONG CHORD BEARS N45°04'56"E 131.05 FEET, (8) THENCE N50°17'21"E 25.98 FEET TO THE BEGINNING OF A CURVE, (9) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 11°42'18" HAVING A RADIUS OF 333.00 FEET AND WHOSE LONG CHORD BEARS N56°08'29"E 67.91 FEET, (10) THENCE N61°59'37"E 80.09 FEET TO THE BEGINNING OF A CURVE, (11) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 07°33'12", HAVING A RADIUS OF 680.00 FEET AND WHOSE LONG CHORD BEARS N65°46'12"E 89.58 FEET, (12) THENCE N89°32'48"E 109.15 FEET TO THE BEGINNING OF A CURVE, (13) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 07°33'57"', HAVING A RADIUS OF 733.00 FEET AND WHOSE LONG CHORD BEARS N65°45'50"E 96.72 FEET TO THE BEGINNING OF A REVERSE CURVE, (14) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 12°06'57", HAVING A RADIUS OF 600.00 FEET AND WHOSE LONG CHORD BEARS N68°02'20"E 126.64 FEET, (15) THENCE N74°05'49"E 34.20 FEET TO THE BEGINNING OF A CURVE, (16) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 16°18'36", HAVING A RADIUS OF 135.00 FEET AND WHOSE LONG CHORD BEARS N66°01'00"E 38.30 FEET TO THE BEGINNING OF A CURVE, (17) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 15°33'56", HAVING A RADIUS OF 288.00 FEET AND WHOSE LONG CHORD BEARS N50°04'46"E 78.00 FEET, (18) THENCE N42°13'21"E 72.34 FEET, (19) THENCE N47°38'32"E 31.86 FEET, (20) THENCE N75°20'07”E 28.74 FEET, (21) THENCE N81°25'42"E 33.64 FEET, (22) THENCE S80°29'21"E 34.72 FEET TO THE NORTH/SOUTH QUARTER SECTION LINE OF SAID SECTION 27; THENCE N01°02’39"E 280.59 FEET ALONG SAID QUARTER SECTION LINE; THENCE S88°59'23"E 1117.50 FEET; THENCE S01°01'44"W 199.84 FEET; THENCE S88°59'23"E 425.00 FEET; THENCE S01°01'44'W 954.76 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE N88'59’06"W 1542.81 FEET ALONG SAID NORTHEAST CENTER 1116TH LINE TO A ROSENBERG REBAR AND CAP MONUMENTING THE CENTER NORTH 1116TH CORNER OF SAID SECTION 27; THENCE S01°03'33'W 559.17 FEET ALONG SAID NORTH/SOUTH QUARTER SECTION LINE TO A FOUND ½" REBAR; THENCE S60°04'14'W 760.71 FEET TO A ROSENBERG REBAR AND CAP; THENCE N00°54'20"E 15.25 FEET TO A ROSENBERG REBAR AND CAP; THENCE S61°05'34"W 400.04 FEET TO A ROSENBERG REBAR AND CAP; THENCE S01°01'23"W 184.57 FEET TO A ROSENBERG REBAR AND CAP; THENCE N88°58'18"W 980.90 FEET TO THE POINT OF BEGINNING.
CONTAINING 102.80 ACRES MORE OR LESS.

<u>PID NO. 1 Parcels:</u>
Parcel Nos.:
AV-2194-B
AV-2194-D

<u>PID NO. 2 Parcel:</u>
Parcel No. AV-2-2-27-432

EXHIBIT B
ANNEXATION AREA MAP



ANNEXATION AREA PARCELS:

Parcel Nos.:
AV-2196-G
AV-2196-D
AV-2196-E
AV-2-2-28-230
AV-2196-A-1
AV-2-2-28-120
AV-2194-C
AV-2194-B
AV-2169-A-1
AV-2-2-28-220
AV-2194-A
AV-2194-D
AV-2196-A-1
AV-2195-B
AV-2-2-28-221
AV-2196-B
AV-2169-A-1
AV-2196-C
AV-2-2-27-431
AV-2-2-27-430
AV-2196-H
AV-2-2-28-110
AV-2194-A
AV-2-2-28-240
AV-2196-I
AV-2-2-27-432
AV-2169-B
AV-2196-F
AV-2194-A

EXHIBIT C

Form of Interlocal Agreement between the Districts and Town

INTERLOCAL AGREEMENT BETWEEN

TOWN OF APPLE VALLEY, UTAH
AND
OCULTA ROCA PUBLIC INFRASTRUCTURE DISTRICT NO. ___

THIS AGREEMENT is made and entered into as of this ____ day of _____, 2024, by and between the Town of Apple Valley, Utah, a municipal corporation of the State of Utah ("Town"), and OCULTA ROCA PUBLIC INFRASTRUCTURE DISTRICT NO. ___, a political subdivision of the State of Utah (the "District"). The Town and the District are collectively referred to as the Parties.

RECITALS

WHEREAS, the District was organized to provide to exercise powers as are more specifically set forth in the District's Governing Document approved by the Town on August 28, 2024 ("Governing Document"); and

WHEREAS, the Governing Document makes reference to the execution of an Interlocal Agreement between the Town and the District; and

WHEREAS, the Town and the District have determined it to be in the best interests of their respective taxpayers, residents and property owners to enter into this Interlocal Agreement ("Agreement").

NOW, THEREFORE, in consideration of the covenants and mutual agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

COVENANTS AND AGREEMENTS

1. Operations and Maintenance. The District shall dedicate the Public Improvements (as defined in the Governing Document) to the Town or other appropriate jurisdiction in a manner consistent with the applicable provisions of the Town Code. The District shall be authorized, but not obligated, to own Public Improvements not otherwise required to be dedicated to the Town or other public entity, and all necessary equipment and appurtenances incident thereto.

All parks and trails owned by the District shall be open to the general public and Non-District Town residents, subject to the rules and regulations of the District as adopted from time to time. Trails which are interconnected with a Town or regional trail system shall be open to the public free of charge and on the same basis as residents and owners of taxable property within the District.

2. Construction Standards. The District will ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the Town and of other governmental entities having proper jurisdiction, as applicable. The District will obtain the Town's approval of civil engineering plans and will obtain applicable permits for construction and installation of Public Improvements prior to performing such work.

3. Issuance of Privately Placed Debt. Prior to the issuance of any privately placed Debt, the District shall obtain the certification of a Municipal Advisor substantially as follows:

> We are [I am] a Municipal Advisor within the meaning of the District's Governing Document.
>
> We [I] certify that (1) the net effective interest rate to be borne by [insert the designation of the Debt] does not exceed a reasonable current [tax-exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high yield securities; and (2) the structure of [insert designation of the Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.

4. Inclusion Limitation. The District shall not include within any of its boundaries any property outside the District Area without the prior written consent of the Town. The Town, by resolution, has consented to the District's annexation of any area within the Annexation Area Boundaries into the District. The District may, by resolution, and without the prior written consent of the Town, annex any property within the District Area if the District has the consent of all property owners and registered voters, if any, within the area to be annexed. The Town agrees that the intent of this Paragraph and the Governing Document is to allow the District to unilaterally annex any area within the Annexation Area Boundaries at the District's sole discretion, and the Town agrees that if the District's unilateral annexation fails or would be unsatisfactory in the District's opinion, the Town agrees to cooperate and perform all necessary actions to accomplish the District's intended annexation, including but not limited to adopting a resolution under 17D-4-201(3) that mirrors the District's resolution to annex the property within the Annexation Area Boundaries.

5. Overlap Limitation. The District shall not consent to the organization of any other public infrastructure district organized under the PID Act within the District Area which will overlap the boundaries of the District unless the aggregate mill levy for payment of Debt of such proposed districts will not at any time exceed the Maximum Debt Mill Levy of the District. The District may annex an area that is a part of another public infrastructure district only if the aggregate mill levy for payment of Debt of the overlapping area would not exceed the Maximum Debt Mill Levy of the District.

6. Initial Debt. On or before the effective date of approval by the Town of this Interlocal Agreement, the District shall not: (a) issue any Debt; nor (b) impose a mill levy for the payment of Debt by direct imposition or by transfer of funds from the operating fund to the Debt service funds; nor (c) impose and collect any fees used for the purpose of repayment of Debt.

7. Bankruptcy. All of the limitations contained in the Governing Document, including, but not limited to, those pertaining to the Maximum Debt Mill Levy and the Maximum Debt Mill Levy Imposition Term have been established under the authority of the Town to approve a Governing Document with conditions pursuant to Section 17D-4-201(5), Utah Code. It is expressly intended that such limitations:

(a) Shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a Governing Document Amendment; and

(b) Are, together with all other requirements of Utah law, included in the "political or governmental powers" reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the "regulatory or electoral approval necessary under applicable nonbankruptcy law" as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 943(b)(6).

Any Debt, issued with a pledge or which results in a pledge, that exceeds the Maximum Debt Mill Levy and the Maximum Debt Mill Levy Imposition Term, shall be deemed a material modification of this Governing Document and shall not be an authorized issuance of Debt unless and until such material modification has been approved by the Town as part of a Governing Document Amendment.

8. Dissolution. Upon an independent determination of the Town Council that the purposes for which the District was created have been accomplished, the District agrees to file petitions in the appropriate District Court for dissolution, pursuant to the applicable State statutes. In no event shall a dissolution occur until the District has provided for the payment or discharge of all of its outstanding indebtedness and other financial obligations as required pursuant to State statutes. Further, in no event shall a dissolution occur until the District has satisfied all contractual obligations, including but not limited to any pledge of tax revenues to an interlocal entity.

9. Disclosure to Purchasers. Within thirty (30) days of the Town adopting a resolution creating the District, the Board shall record a notice with the recorder of Washington County. Such notice shall (a) contain a description of the Initial Boundaries of the District, (b) state that a copy of this Governing Document is on file at the office of the Town, (c) state that the District may finance and repay infrastructure and other improvements through the levy of a property tax; (d) state the Maximum Debt Mill Levy of the District; and (d) if applicable, stating that the debt may convert to general obligation debt and outlining the provisions relating to conversion. Such notice shall further be filed with the Town.

10. Eminent Domain. The District shall not exercise eminent domain or utilize any funds of the District to support any eminent domain action or proceeding unless (i) the public improvements for which eminent domain is proposed are specifically approved under this Agreement, a Development Agreement, or separate agreement of the Town and (ii) their location complies with a master infrastructure plan or similar plan of the Town or the applicable service provider.

11. Governing Document Amendment Requirement. Actions of the District which violate the limitations set forth in V.A.1-9 or VIII.B-G of the Governing Document shall be deemed to be material violations of the Governing Document and the Town shall be entitled to all remedies available under State and local law to enjoin such actions of the District.

12. Annual Report. The District shall be responsible for submitting an annual report to the Town Manager's Office no later than 180 days following the end of each year, beginning the

year after the District was created, containing the information set forth in Section VIII of the Governing Document.

13. Regional Improvements. The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment and a contribution to the funding of the Regional Improvements and fund the administration and overhead costs related to the provisions of the Regional Improvements.

14. Maximum Debt Mill Levy.

(a) The "Maximum Debt Mill Levy" shall be the maximum mill levy the District is permitted to impose upon the taxable property within the District for payment of Limited Tax Debt shall be ten (10) mills; provided that such levy shall be subject to adjustment as provided in Section 17D-4-301(8).

(b) Such Maximum Debt Mill Levy may only be amended pursuant to a Governing Document Amendment and as provided in Section 17D-4-202.

15. Maximum Debt Mill Levy Imposition Term. Each bond issued by the District shall mature within thirty (30) years from the date of issuance of such bond. In addition, no mill levy may be imposed for the repayment of a series of bonds after a period exceeding forty (40) years from the date of issuance of such bond (the "Maximum Debt Mill Levy Imposition Term").

16. Notices. All notices, demands, requests or other communications to be sent by one party to the other hereunder or required by law shall be in writing and shall be deemed to have been validly given or served by delivery of same in person to the address or by courier delivery, via United Parcel Service or other nationally recognized overnight air courier service, or by depositing same in the United States mail, postage prepaid, addressed as follows:

To the District:	Oculta Roca Public Infrastructure District No. c/o Snow Jensen & Reece, PC 912 W. 1600 S., Ste. B200 St. George, UT 84770 Attn: Matthew J. Ence
To the Town:	Apple Valley Town 1777 N. Meadowlark Dr. Apple Valley, UT 84737 Attn: Mayor Michael Farrar

All notices, demands, requests or other communications shall be effective upon such personal delivery or one (1) business day after being deposited with United Parcel Service or other nationally recognized overnight air courier service or three (3) business days after deposit in the United States mail. By giving the other party hereto at least ten (10) days written notice thereof in accordance with the provisions hereof, each of the Parties shall have the right from time to time to change its address.

17. Amendment. This Agreement may be amended, modified, changed, or terminated in whole or in part only by a written agreement duly authorized and executed by the Parties hereto and without amendment to the Governing Document.

18. Assignment. Neither Party hereto shall assign any of its rights nor delegate any of its duties hereunder to any person or entity without having first obtained the prior written consent of the other Party, which consent will not be unreasonably withheld. Any purported assignment or delegation in violation of the provisions hereof shall be void and ineffectual.

19. Default/Remedies. In the event of a breach or default of this Agreement by any Party, the non-defaulting Party shall be entitled to exercise all remedies available at law or in equity, specifically including suits for specific performance and/or monetary damages. In the event of any proceeding to enforce the terms, covenants or conditions hereof, the prevailing Party in such proceeding shall be entitled to obtain as part of its judgment or award its reasonable attorneys' fees.

20. Governing Law and Venue. This Agreement shall be governed and construed under the laws of the State of Utah.

21. Inurement. Each of the terms, covenants and conditions hereof shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

22. Integration. This Agreement constitutes the entire agreement between the Parties with respect to the matters addressed herein. All prior discussions and negotiations regarding the subject matter hereof are merged herein.

23. Parties Interested Herein. There are no third-party beneficiaries to this Agreement. Nothing expressed or implied in this Agreement is intended or shall be construed to confer upon, or to give to, any person other than the District and the Town any right, remedy, or claim under or by reason of this Agreement or any covenants, terms, conditions, or provisions thereof, and all the covenants, terms, conditions, and provisions in this Agreement by and on behalf of the District and the Town shall be for the sole and exclusive benefit of the District and the Town.

24. Severability. If any covenant, term, condition, or provision under this Agreement shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such covenant, term, condition, or provision shall not affect any other provision contained herein, the intention being that such provisions are severable.

25. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall constitute an original and all of which shall constitute one and the same document.

26. Paragraph Headings. Paragraph headings are inserted for convenience of reference only.

27. Defined Terms. Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Governing Document.

SIGNATURE PAGE TO INTERLOCAL AGREEMENT

OCULTA ROCA PUBLIC
INFRASTRUCTURE DISTRICT NO. ___

By: _____
Chair

Attest:

_____
Secretary

TOWN OF APPLE VALLEY, UTAH

By: _____
Mayor

Attest:

By: _____
Its: _____

APPROVED AS TO FORM: _____

NOTICE OF IMPENDING BOUNDARY ACTION

Creation of

Oculta Roca Public Infrastructure District No. 2

TO: The Lieutenant Governor, State of Utah

NOTICE IS HEREBY GIVEN that the Town Council of the Town of Apple Valley, Utah (the "Council"), acting in its capacity as the creating entity for the Oculta Roca Public Infrastructure District No. 2 (the "District") pursuant to Utah Code Ann. §§17D-4-201(2)(c) and 17B-1-213(5)(a), at a regular meeting of the Council, duly convened pursuant to notice, on September ____, 2024, adopted a *Resolution Providing for the Creation of Oculta Roca Public Infrastructure District Nos. 1 & 2*, a true and correct copy of which is attached as EXHIBIT "A" hereto and incorporated by this reference herein (the "Creation Resolution").

A copy of the Final Local Entity Plat satisfying the applicable legal requirements as set forth in Utah Code Ann. §17-23-20, approved as a final local entity plat by the Surveyor of Washington County, Utah, is attached as EXHIBIT "B" hereto and incorporated with this reference. The Council hereby certifies that all requirements applicable to the creation of the District, as more particularly described in the Creation Resolution, have been met. The District is not anticipated to result in the employment of personnel.

WHEREFORE, the Council hereby respectfully requests the issuance of a Certificate of Incorporation pursuant to and in conformance with the provisions of Utah Code Ann. §§17B-1-215 and 67-1a-6.5.

DATED this _____, 2024.

TOWN COUNCIL, THE TOWN OF APPLE VALLEY, UTAH, acting in its capacity as the creating authority for Oculta Roca Public Infrastructure District No. 2

By:_____
AUTHORIZED REPRESENTATIVE

VERIFICATION

STATE OF UTAH)
:ss.
COUNTY OF UTAH)

SUBSCRIBED AND SWORN to before me this _____, 2024.

_____
NOTARY PUBLIC

EXHIBIT "A"
TO NOTICE OF IMPENDING BOUNDARY ACTION

Copy of the Creation Resolution
(See following pages)

EXHIBIT “B”
TO NOTICE OF IMPENDING BOUNDARY ACTION

Legal Description and Final Local Entity Plat

A TRACT OF LAND IN THE NORTH 112 OF SECTION 27, TOWNSHIP 42 SOUTH, RANGE 12 WEST, SALT LAKE BASE AND MERIDIAN IN WASHINGTON COUNTY, UTAH MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A ROSENBERG REBAR AND CAP LYING 659.96 FEET S88°58'18"E ALONG THE EAST/WEST QUARTER SECTION LINE OF SAID SECTION 27, FROM A NAIL MONUMENTING THE WEST ¼ CORNER OF SAID SECTION 27; RUNNING THENCE N01°02'30"E 1319.57 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27 AND TO A ROSENBERG REBAR AND CAP; IBENCE S88°58'03"E 782.99 FEET ALONG SAID NORTHWEST 1116TH LINE TO THE FLOWLINE OF GOULDS WASH; THENCE ALONG THE FLOWLINE OF GOULDS WASH THE FOLLOWING (22) TWENTY-TWO COURSES, (1) N68°02’23"E 25.84 FEET TO THE BEGINNING OF A CURVE, (2) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 26°03'06", HAVING A RADIUS OF 59.43 FEET AND WHOSE LONG CHORD BEARS N55°00'48"E 26.79 FEET TO THE BEGINNING OF A COMPOUND CURVE, (3) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 12°31'03", HAVING A RADIUS OF 129.84 FEET AND WHOSE LONG CHORD BEARS N35°43'44"E 28.31 FEET, (4) THENCE N29°28'16"E 75.24 FEET TO THE BEGINNING OF A CURVE, (5) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 10°24'14", HAVING A RADIUS OF 383.00 FEET AND WHOSE LONG CHORD BEARS N34°40'24"E 69.45 FEET, (6) THENCE N39°52'31"E 232.66 FEET TO THE BEGINNING OF A CURVE, (7) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 10°24'51", HAVING A RADIUS OF 722.00 FEET AND WHOSE LONG CHORD BEARS N45°04'56"E 131.05 FEET, (8) THENCE N50°17'21"E 25.98 FEET TO THE BEGINNING OF A CURVE, (9) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 11°42'18" HAVING A RADIUS OF 333.00 FEET AND WHOSE LONG CHORD BEARS N56°08'29"E 67.91 FEET, (10) THENCE N61°59'37"E 80.09 FEET TO THE BEGINNING OF A CURVE, (11) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 07°33'12", HAVING A RADIUS OF 680.00 FEET AND WHOSE LONG CHORD BEARS N65°46'12"E 89.58 FEET, (12) THENCE N89°32'48"E 109.15 FEET TO THE BEGINNING OF A CURVE, (13) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 07°33'57"', HAVING A RADIUS OF 733.00 FEET AND WHOSE LONG CHORD BEARS N65°45'50"E 96.72 FEET TO THE BEGINNING OF A REVERSE CURVE, (14) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 12°06'57", HAVING A RADIUS OF 600.00 FEET AND WHOSE LONG CHORD BEARS N68°02'20"E 126.64 FEET, (15) THENCE N74°05'49"E 34.20 FEET TO THE BEGINNING OF A CURVE, (16) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 16°18'36", HAVING A RADIUS OF 135.00 FEET AND WHOSE LONG CHORD BEARS N66°01'00"E 38.30 FEET TO THE BEGINNING OF A CURVE, (17) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 15°33'56", HAVING A RADIUS OF 288.00 FEET AND WHOSE LONG CHORD BEARS N50°04'46"E 78.00 FEET, (18) THENCE N42°13'21"E 72.34 FEET, (19) THENCE N47°38'32"E 31.86 FEET, (20)

THENCE N75°20'07”E 28.74 FEET, (21) THENCE N81°25'42"E 33.64 FEET, (22) THENCE S80°29'21"E 34.72 FEET TO THE NORTH/SOUTH QUARTER SECTION LINE OF SAID SECTION 27; THENCE N01°02’39"E 280.59 FEET ALONG SAID QUARTER SECTION LINE; THENCE S88°59'23"E 1117.50 FEET; THENCE S01°01'44"W 199.84 FEET; THENCE S88°59'23"E 425.00 FEET; THENCE S01°01'44'W 954.76 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE N88'59’06"W 1542.81 FEET ALONG SAID NORTHEAST CENTER 1116TH LINE TO A ROSENBERG REBAR AND CAP MONUMENTING THE CENTER NORTH 1116TH CORNER OF SAID SECTION 27; THENCE S01°03'33'W 559.17 FEET ALONG SAID NORTH/SOUTH QUARTER SECTION LINE TO A FOUND ½" REBAR; THENCE S60°04'14'W 760.71 FEET TO A ROSENBERG REBAR AND CAP; THENCE N00°54'20"E 15.25 FEET TO A ROSENBERG REBAR AND CAP; THENCE S61°05'34"W 400.04 FEET TO A ROSENBERG REBAR AND CAP; THENCE S01°01'23"W 184.57 FEET TO A ROSENBERG REBAR AND CAP; THENCE N88°58'18"W 980.90 FEET TO THE POINT OF BEGINNING.
CONTAINING 102.80 ACRES MORE OR LESS.

Parcel Nos.:
AV-2-2-27-432

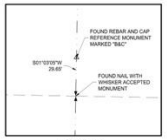
FINAL LOCAL ENTITY PLAT - OCULTA ROCA PUBLIC INFRASTRUCTURE DISTRICT NO. 2

LOCATED IN THE NORTH ½ OF SECTION 27
T. 42 S., R. 12 W., S.L.B.&M.
WASHINGTON COUNTY, UTAH
2024

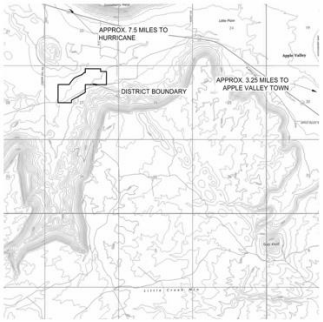
GRAPHIC SCALE

(IN FEET)
1 inch = 300 ft.

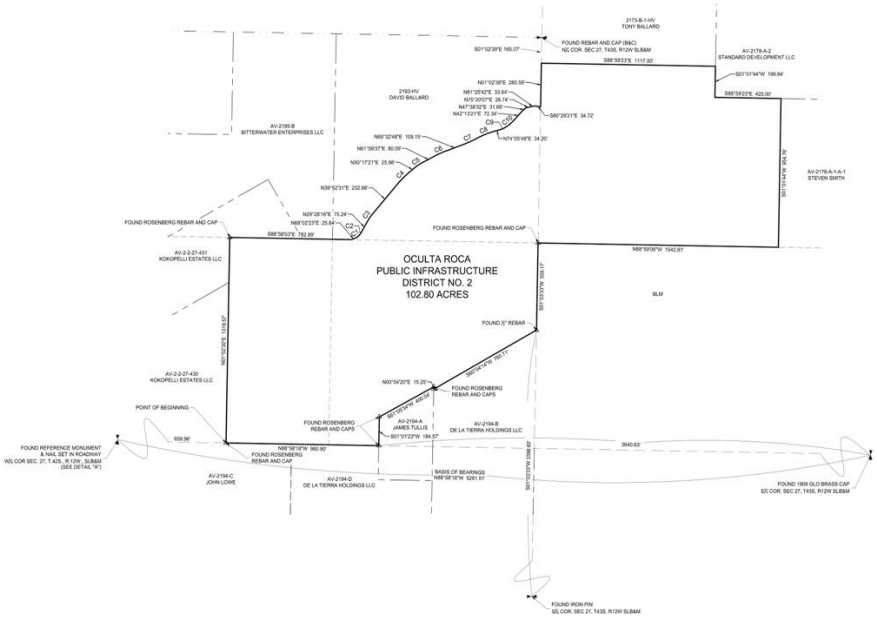
CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	27.02	59.43	26°03'06"	N55° 00' 48"E	26.79
C2	28.37	129.84	12°31'03"	N35° 43' 44"E	28.31
C3	69.55	383.00	10°24'14"	N34° 40' 24"E	69.45
C4	131.23	722.00	10°24'51"	N45° 04' 56"E	131.05
C5	68.03	333.00	11°42'18"	N56° 08' 29"E	67.91
C6	89.64	680.00	7°33'12"	N65° 46' 12"E	89.58
C7	96.79	733.00	7°33'57"	N65° 45' 50"E	96.72
C8	126.88	600.00	12°06'57"	N68° 02' 20"E	126.64
C9	38.43	135.00	16°18'36"	N66° 01' 00"E	38.30
C10	78.24	288.00	15°33'56"	N50° 04' 46"E	78.00



DETAIL "A"
NOT TO SCALE



VICINITY MAP
NOT TO SCALE



SURVEYOR'S CERTIFICATE

I, TAYLOR D. CHRISTENSEN, A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING CERTIFICATE #13836199, CERTIFY THAT BY AUTHORITY OF THE PROPERTY OWNERS, THE PLAT SHOWN HEREON WAS MADE UNDER MY DIRECTION ACCORDING TO UTAH STATE CODE TITLE 17, CHAPTER 23, SECTION 20. I FURTHER CERTIFY THAT THIS PLAT CORRECTLY SHOWS THE DIMENSIONS OF THE DISTRICT TO BE CREATED.

NO. 13836199
TAYLOR D.
CHRISTENSEN
06/29/2024
Licensed Land Surveyor

TAYLOR D. CHRISTENSEN, P.L.S. #13836199

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, APPLE VALLEY TOWN, HAVE RECEIVED A PETITION SIGNED BY THE MAJORITY OF THE OWNERS OF THE TRACT SHOWN HEREON REQUESTING THAT SAID DISTRICT BE CREATED AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH ALL IN ACCORDANCE WITH THE UTAH CODE 17D-1-2 AS REVISED AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE CREATION OF THE SPECIAL SERVICE DISTRICT AS SHOWN AS PART OF SAID CITY AND THAT SAID TRACT OF LAND IS TO BE KNOWN HEREAFTER AS THE "OCULTA ROCA PUBLIC INFRASTRUCTURE DISTRICT NO. 2".

ACCEPTED THIS _____ DAY OF _____, A.D. 2024.

MAYOR _____ COUNCIL MEMBER _____

COUNCIL MEMBER _____ COUNCIL MEMBER _____

DISTRICT BOUNDARY DESCRIPTION

A TRACT OF LAND IN THE NORTH 1/2 OF SECTION 27, TOWNSHIP 42 SOUTH, RANGE 12 WEST, SALT LAKE BASE AND MERIDIAN IN WASHINGTON COUNTY, UTAH MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A ROSENBERG REBAR AND CAP LYING 659.96 FEET S88°58'19"E ALONG THE EAST/WEST QUARTER SECTION LINE OF SAID SECTION 27, FROM A NAIL MONUMENTING THE WEST ¼ CORNER OF SAID SECTION 27; RUNNING THENCE N01°02'39"E 1319.57 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27 AND TO A ROSENBERG REBAR AND CAP; THENCE S88°58'02"E 782.99 FEET ALONG SAID NORTHWEST 1/16TH LINE TO THE FLOWLINE OF GOULDS WASH; THENCE ALONG THE FLOWLINE OF GOULDS WASH THE FOLLOWING (22) TWENTY-TWO COURSES, (1) N88°02'23"E 25.84 FEET TO THE BEGINNING OF A CURVE, (2) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 26°25'06", HAVING A RADIUS OF 59.43 FEET AND WHOSE LONG CHORD BEARS N55°00'48"E 26.79 FEET TO THE BEGINNING OF A COMPOUND CURVE, (3) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 12°31'03", HAVING A RADIUS OF 129.84 FEET AND WHOSE LONG CHORD BEARS N35°43'44"E 28.31 FEET, (4) THENCE N29°28'16"E 75.24 FEET TO THE BEGINNING OF A CURVE, (5) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 10°24'14", HAVING A RADIUS OF 383.00 FEET AND WHOSE LONG CHORD BEARS N34°40'24"E 69.45 FEET, (6) THENCE N39°52'31"E 232.66 FEET TO THE BEGINNING OF A CURVE, (7) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 10°24'51", HAVING A RADIUS OF 722.00 FEET AND WHOSE LONG CHORD BEARS N45°04'56"E 131.05 FEET, (8) THENCE N50°17'21"E 25.98 FEET TO THE BEGINNING OF A CURVE, (9) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 11°42'18", HAVING A RADIUS OF 333.00 FEET AND WHOSE LONG CHORD BEARS N56°08'29"E 67.91 FEET, (10) THENCE N61°59'31"E 80.09 FEET TO THE BEGINNING OF A CURVE, (11) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 07°33'12", HAVING A RADIUS OF 680.00 FEET AND WHOSE LONG CHORD BEARS N65°46'12"E 89.58 FEET, (12) THENCE N69°32'48"E 109.15 FEET TO THE BEGINNING OF A CURVE, (13) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 07°33'57", HAVING A RADIUS OF 733.00 FEET AND WHOSE LONG CHORD BEARS N65°45'50"E 96.72 FEET TO THE BEGINNING OF A REVERSE CURVE, (14) SAID CURVE TURNING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 12°06'57", HAVING A RADIUS OF 600.00 FEET AND WHOSE LONG CHORD BEARS N68°02'20"E 126.64 FEET, (15) THENCE N75°08'49"E 34.20 FEET TO THE BEGINNING OF A CURVE, (16) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 16°18'36", HAVING A RADIUS OF 135.00 FEET AND WHOSE LONG CHORD BEARS N66°01'00"E 38.30 FEET TO THE BEGINNING OF A CURVE, (17) SAID CURVE TURNING TO THE LEFT THROUGH A CENTRAL ANGLE OF 15°33'56", HAVING A RADIUS OF 288.00 FEET AND WHOSE LONG CHORD BEARS N50°04'46"E 78.00 FEET, (18) THENCE N42°11'21"E 72.34 FEET, (19) THENCE N47°38'32"E 31.66 FEET, (20) THENCE N75°20'07"E 28.74 FEET, (21) THENCE N81°25'42"E 33.64 FEET, (22) THENCE S80°29'21"E 34.72 FEET TO THE NORTHSOUTH QUARTER SECTION LINE OF SAID SECTION 27; THENCE N01°02'39"E 280.59 FEET ALONG SAID QUARTER SECTION LINE; THENCE S88°59'23"E 1117.50 FEET; THENCE S01°01'44"W 199.84 FEET; THENCE S88°59'23"E 425.00 FEET; THENCE S01°01'44"W 994.76 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE N88°59'06"W 1542.81 FEET ALONG SAID NORTHEAST CENTER 1/16TH LINE TO A ROSENBERG REBAR AND CAP MONUMENTING THE CENTER NORTH 1/16TH CORNER OF SAID SECTION 27; THENCE S01°02'39"W 559.17 FEET ALONG SAID NORTHSOUTH QUARTER SECTION LINE TO A FOUND ½" REBAR; THENCE S60°04'14"W 760.71 FEET TO A ROSENBERG REBAR AND CAP; THENCE N00°54'20"E 15.25 FEET TO A ROSENBERG REBAR AND CAP; THENCE S01°12'23"W 184.57 FEET TO A ROSENBERG REBAR AND CAP; THENCE N88°58'19"W 980.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 102.80 ACRES MORE OR LESS.

LEGEND

- PROPOSED SPECIAL SERVICE DISTRICT BOUNDARY
- SECTION LINE
- SIXTEENTH SECTION LINE
- DEED LINE
- FOUND SECTION CORNER AS NOTED
- FOUND QUARTER SECTION CORNER AS NOTED
- FOUND SURVEY MONUMENT AS NOTED

FINAL LOCAL ENTITY PLAT OCULTA ROCA PUBLIC INFRASTRUCTURE DISTRICT NO. 2

WASHINGTON COUNTY, UTAH
SCALE 1" = 300'

PREPARED BY:
Jones & DeMille Engineering, Inc.
CIVIL ENGINEERING - SURVEYING - TESTING - GIS - ENVIRONMENTAL
- infrastructure professionals -
1.800.748.5275 www.jonesanddemille.com

PROJECT NUMBER: 2408-029	FILE NAME: h:\phyn\2408-029\dwg\2408-029 survey final entity plat2.dwg		
SURVEYED BY: JDE	DRAWN BY: TDC	UPDATED: 8/29/2024 PLOTTED: 8/29/2024	

COUNTY SURVEYOR'S APPROVAL	TOWN ATTORNEY APPROVAL	RECORDED NUMBER
THE HEREON ANNEXATION PLAT HAS BEEN REVIEWED AND IS APPROVED IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE THIS _____ *DAY OF* _____ *, A.D. 20__*	*APPROVED AS TO FORM, THIS THE* _____ *DAY OF* _____ *, A.D. 20__*	
COUNTY SURVEYOR WASHINGTON COUNTY, UTAH	*CITY ATTORNEY CITY OF APPLE VALLEY, UTAH*	*WASHINGTON COUNTY RECORDER*

FINAL LOCAL ENTITY PLAT

Item 2.

NOTICE OF IMPENDING BOUNDARY ACTION

Creation of

Oculta Roca Public Infrastructure District No. 1

TO: The Lieutenant Governor, State of Utah

NOTICE IS HEREBY GIVEN that the Town Council of the Town of Apple Valley, Utah (the "Council"), acting in its capacity as the creating entity for the Oculta Roca Public Infrastructure District No. 1 (the "District") pursuant to Utah Code Ann. §§17D-4-201(2)(c) and 17B-1-213(5)(a), at a regular meeting of the Council, duly convened pursuant to notice, on September ____, 2024, adopted a *Resolution Providing for the Creation of Oculta Roca Public Infrastructure District Nos. 1 & 2*, a true and correct copy of which is attached as EXHIBIT "A" hereto and incorporated by this reference herein (the "Creation Resolution").

A copy of the Final Local Entity Plat satisfying the applicable legal requirements as set forth in Utah Code Ann. §17-23-20, approved as a final local entity plat by the Surveyor of Washington County, Utah, is attached as EXHIBIT "B" hereto and incorporated with this reference. The Council hereby certifies that all requirements applicable to the creation of the District, as more particularly described in the Creation Resolution, have been met. The District is not anticipated to result in the employment of personnel.

WHEREFORE, the Council hereby respectfully requests the issuance of a Certificate of Incorporation pursuant to and in conformance with the provisions of Utah Code Ann. §§17B-1-215 and 67-1a-6.5.

DATED this _____, 2024.

TOWN COUNCIL, THE TOWN OF APPLE VALLEY, UTAH, acting in its capacity as the creating authority for Oculta Roca Public Infrastructure District No. 1

By:_____
AUTHORIZED REPRESENTATIVE

VERIFICATION

STATE OF UTAH)
:ss.
COUNTY OF UTAH)

SUBSCRIBED AND SWORN to before me this _____, 2024.

_____
NOTARY PUBLIC

EXHIBIT "A"
TO NOTICE OF IMPENDING BOUNDARY ACTION

Copy of the Creation Resolution
(See following pages)

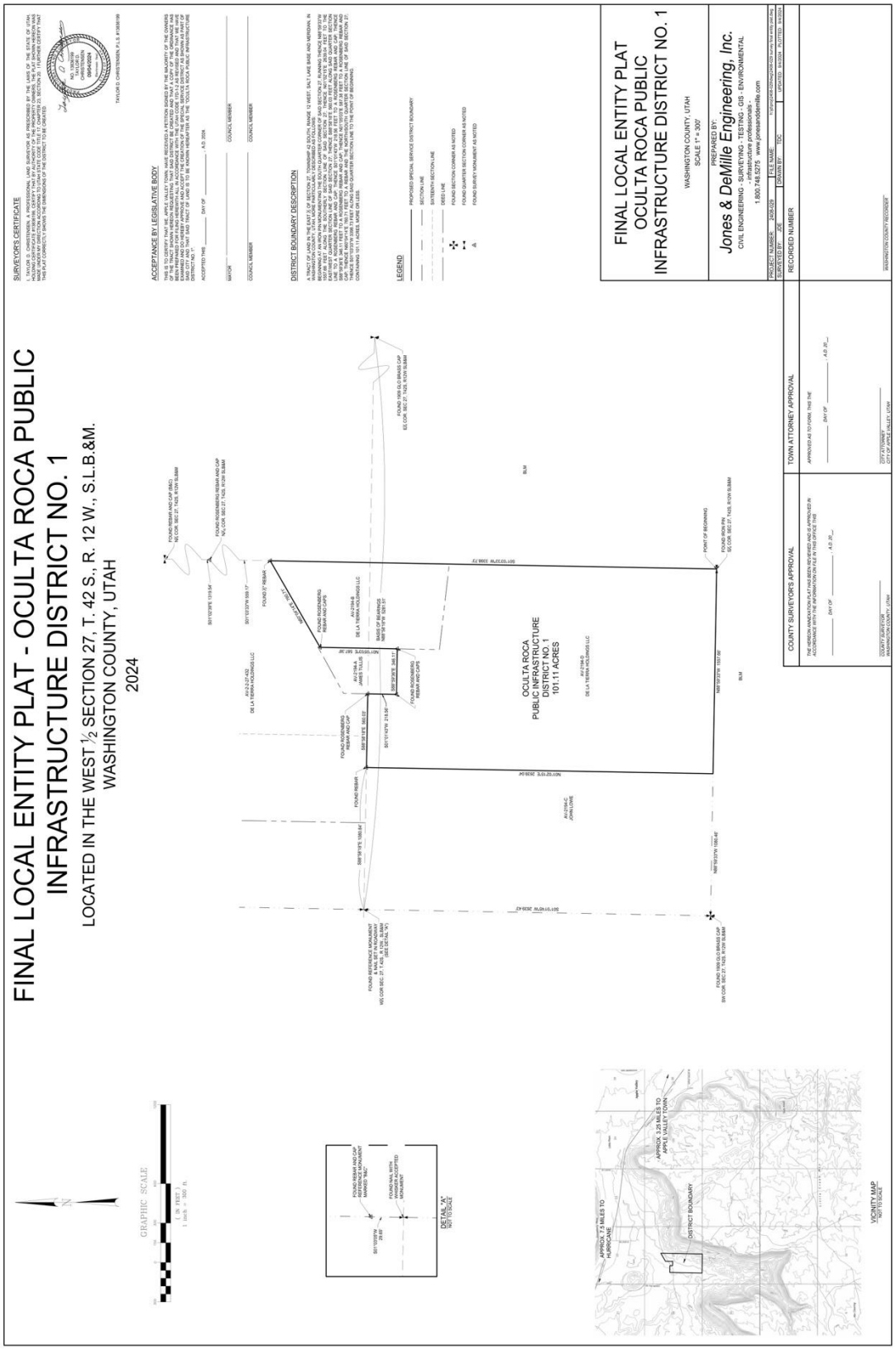
EXHIBIT "B"
TO NOTICE OF IMPENDING BOUNDARY ACTION

Legal Description and Final Local Entity Plat

A TRACT OF LAND IN THE EAST½ OF SECTION 27, TOWNSHIP 42 SOUTH, RANGE 12 WEST, SALT LAKE BASE AND MERIDIAN, IN WASHINGTON COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT AN IRON PIN MONUMENT IN THE SOUTH QUARTER CORNER OF SAID SECTION 27, RUNNING THENCE N 88°59'33"W 1557.66 FEET ALONG THE SOUTHERLY SECTION LINE OF SAID SECTION 27; THENCE N01°02'15"E 2639.04 FEET TO THE EAST/WEST QUARTER SECTION LINE OF SAID SECTION 27; THENCE S88°58'18"E 580.03 FEET ALONG SAID QUARTER SECTION LINE TO A ROSENBERG REBAR AND CAP; THENCE S01°01'43"W 218.56 FEET TO A ROSENBERG REBAR AND CAP; THENCE S88°59'36"E 346.11 FEET TO A ROSENBERG REBAR AND CAP; THENCE N01°05'03"E 587.38 FEET TO A ROSENBERG REBAR AND CAP; THENCE N60°04'14"E 760.71 FEET TO A REBAR AND THE NORTH/SOUTH QUARTER SECTION LINE OF SAID SECTION 27; THENCE S01°03'33"W 3398.73 FEET ALONG SAID QUARTER SECTION LINE TO THE POINT OF BEGINNING.
CONTAINING 101.11 ACRES, MORE OR LESS.

Parcel Nos.:
AV-2194-B
AV-2194-D

FINAL LOCAL ENTITY PLAT



First Development Agreement Addendum

This Development Agreement Addendum ("Agreement") is made and entered into as of 9/25/24, by and between Hidden Rock Development Group ("Developer") and Town of Apple Valley ("Town").

Recitals:

WHERAS, Developer and Town have entered into a Development Agreement, dated June 26, 2024, in which developer and town agreed on terms regarding Developer's Project located in Town. This agreement amends and is supplemental to the Development Agreement.

WHEREAS, the Town has established a Public Improvement District (PID) to facilitate the development Oculta Roca;

WHEREAS, the Developer intends to construct and install a one million gallon concrete water tank to support the water supply needs of the development;

WHEREAS, the Town agrees to approve the PID upon the Developer's commitment to finance the construction and installation of said water tank;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. Approval of PID

The Town agrees to approve the establishment of the Public Improvement District (PID) once the Developer submits the necessary documentation and meets all regulatory requirements.

2. Developer's Obligations

The Developer agrees to:

a. Design, construct and install a one-million-gallon concrete water tank along with all necessary pipelines and hardware in accordance with the Town's specifications and applicable laws.

b. Bear all costs associated with the construction and installation of the water tank, including but not limited to labor, materials, permits, and inspections.

c. Complete the construction and installation of the water tank within 1 year following the approval of the PID.

3. Town's Obligations

The Town agrees to:

a. Review and approve plans for the construction and installation of the water tank in a timely manner.

b. Facilitate the necessary permits and inspections required for the construction and installation of the water tank.

c. Secure any easements required for said water tank and pipelines.

4. Indemnification

The Developer agrees to indemnify and hold harmless the Town from any and all claims, liabilities, losses, damages, or expenses arising from the construction and installation of the water tank.

5. Default

Default of This Agreement shall be handled in the same manner as the default provision in paragraph 10 of the Development Agreement.

6. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of Utah.

7. Entire Agreement

This Agreement constitutes the entire understanding between the parties with respect to the subject matter hereof and except for the Development Agreement, supersedes all prior negotiations, discussions, and agreements.

IN WITNESS WHEREOF, the parties hereto have executed this Developer Agreement Addendum as of the date first above written.

Hidden Rock Development Group
By: _____
Name: _____
Title: _____
Date: _____

Town of Apple Valley
By: _____
Name: _____
Title: _____
Date: _____

TOWN COUNCIL MEETING AND HEARING

1777 N Meadowlark Dr, Apple Valley
Wednesday, August 28, 2024 at 6:00 PM

MINUTES

CALL TO ORDER - Mayor Farrar called the meeting to order at 6:00 p.m.
PLEDGE OF ALLEGIANCE
PRAYER – Prayer offered by Council Member Prentice.
ROLL CALL
PRESENT
Mayor Michael Farrar
Council Member Kevin Sair
Council Member Janet Prentice
Council Member Annie Spendlove
Council Member Scott Taylor

DECLARATION OF CONFLICTS OF INTEREST

None declared.

PUBLIC COMMENTS: 3 MINUTES EACH - DISCRETION OF MAYOR FARRAR

No public comments.

MAYOR'S TOWN UPDATE

1. AV-1378-N, Lot Split 2 parcels_Cortney Barlow.

   Mayor Farrar provided an update regarding town matters, including a lot split in Apple Valley by Courtney Barlow. The split resulted in three parcels. The mayor expressed appreciation for Courtney Barlow's cooperation in resolving the matter.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Mayor Farrar provided several updates on town matters. First, the mayor acknowledged the retirement of Harold and Ross, who had long contributed to the water management. Their departure was on good terms, and the mayor expressed gratitude for their years of service.

The mayor then addressed a discussion with a developer regarding water usage statistics for half-acre and one-acre parcels. While the developer suggested that half-acre parcels use less water than one-acre parcels, the mayor shared data showing that, in Apple Valley, one-acre parcels have been using less water than half-acre parcels, though the mayor could not explain the discrepancy.

Next, the mayor clarified a previous statement regarding the use of flood money. Flood money, the mayor explained, can only be used for infrastructure projects, such as the purchase of equipment for installing culverts, and not for the maintenance of bar ditches. Responsibility for maintaining bar ditches remains with the residents for the time being.

The mayor also cleared up confusion regarding nuisance complaints and code enforcement. While the 300-foot rule applies to nuisance complaints, the mayor as the code enforcement officer can address violations beyond this limit. The mayor encouraged residents to report any concerns.

Lastly, the mayor introduced a proposed text notification system that would be used for emergencies, general updates, and surveys to gather public input. The system would allow residents to report issues such as downed

DRAFT PENDING APPROVAL

power lines or potholes and could potentially target specific areas of the town with messages. The mayor emphasized the importance of public input and encouraged residents to engage with town officials in any way possible to ensure decisions reflect the community's needs.

PUBLIC HEARING

2. Ordinance-O-2024-62, Amend Title 8.08.030 Fireworks Restrictions.

   Mayor Farrar opened the public hearing for Ordinance-O-2024-62, Amend Title 8.08.030 Fireworks Restrictions.

   The mayor explained that the change involved eliminating Pioneer Day, or Founders Day, as an occasion for fireworks due to low participation. The suggestion was to keep fireworks celebrations limited to the Fourth of July.

   No public comments.

   Mayor Farrar closed the public hearing for Ordinance-O-2024-62, Amend Title 8.08.030 Fireworks Restrictions.

3. Ordinance-O-2024-59, Salaries in municipalities -- Notice.

   Mayor Farrar opened the public hearing for Ordinance-O-2024-59, Salaries in municipalities -- Notice.

   Mayor Farrar discussed Ordinance O-2024-59, which involves a new law requiring municipalities to hold public hearings to disclose salary information. The ordinance ensures compliance with transparency requirements, making the town's compensation public.

   No public comments.

   Mayor Farrar closed the public hearing for Ordinance-O-2024-59, Salaries in municipalities -- Notice.

DISCUSSION AND ACTION

4. Ordinance-O-2024-62, Amend Title 8.08.030 Fireworks Restrictions.

   MOTION: Council Member Taylor moved that we approve Ordinance-O-2024-62, 8.08.030 Fireworks Restrictions amendment.
   SECOND: The motion was seconded by Council Member Sair.
   VOTE: Mayor Farrar called for a Roll Call vote:

   Council Member Prentice - Aye
   Council Member Sair - Aye
   Mayor Farrar - Aye
   Council Member Spendlove - Aye
   Council Member Taylor - Aye

   The vote was unanimous and the motion carried.

5. Special Event Permit Application_Grand Circle Trailfest - Day #2 - Vacation Races on October 4, 2024.

   Mayor Farrar introduced a special event permit application for the Grand Circle Trailfest event scheduled for October 4, 2024. The mayor noted that the application mistakenly listed a lower attendance fee and needed to be corrected to reflect a higher attendance. The event would include a race starting at Ruby Rider Ranch on Main Street, with no alcohol sales and some food provided for free to participants. Basic

DRAFT PENDING APPROVAL

infrastructure such as tents, bathrooms, and a sound system would be in place, and no road closures were necessary.

A question was raised about how dust control would be handled, as there had been complaints about dust during previous events. The mayor confirmed that the event organizers are responsible for dust control, including watering the roads, and would face a fine if they failed to comply. The town charges a $250 general maintenance fee for road use, and organizers are required to manage the dust by hiring a water truck. There is also a $1,000 dust violation penalty in place to ensure compliance.

MOTION: Council Member Sair motioned we approve Special Event Permit Application_Grand Circle Trailfest - Day #2 - Vacation Races on October 4, 2024.
SECOND: The motion was seconded by Council Member Prentice.
VOTE: Mayor Farrar called for a vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

6. Ordinance-O-2024-45, Adopt Title 10.42 Controlled Growth Management Plan.

*Planning Commission recommended approval on August 7, 2024.

Mayor Farrar introduced Ordinance-O-2024-45, which proposes adopting Title 10.42 for a growth management plan, following approval by the Planning Commission on August 7, 2024. The plan, modeled after a successful approach used in Boulder City, Nevada, aims to limit building permits to 20 per year in order to manage growth at a sustainable pace. This plan is intended to prevent overwhelming the town's limited resources and staff. The ordinance reserves 10 permits for owner-occupiers and 10 for developers, with flexibility to adjust those numbers if necessary.

The mayor emphasized the importance of ensuring that the town can handle the influx of permits without overburdening the current staff, which includes himself, Town Clerk Jenna, and other team members already working beyond full capacity. The plan allows for future adjustments by the town council based on growth and available resources. The town attorney has reviewed the ordinance, though there are differing opinions on its legality. The mayor stressed that the goal is not to stop growth but to manage it responsibly, ensuring that the town is prepared to support new development when it occurs.

Mayor Farrar also acknowledged that once developers start building and generating revenue through impact fees and taxes, the town could consider hiring additional staff. However, this would take time as qualified personnel need to be found, trained, and paid sufficiently to manage the workload. The mayor concluded by highlighting the current strain on staff and the need for careful planning before increasing building permit allocations.

MOTION: Council Member Prentice motioned on Ordinance-O-2024-45, that we Adopt Title 10.42 Controlled Growth Management Plan, that the Planning Commission recommended approval on August 7, 2024.
SECOND: The motion was seconded by Council Member Spendlove.
VOTE: Mayor Farrar called for a Roll Call vote:

DRAFT PENDING APPROVAL

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor – Aye

The vote was unanimous and the motion carried.

7. Ordinance-O-2024-46, Repeal Title 10.10.060 SF Single Family Residential Zone.

*Planning Commission recommended approval on August 7, 2024.

Mayor Farrar introduced Ordinance-O-2024-46, which seeks to eliminate the Single Family Residential Zone, following approval by the Planning Commission on August 7, 2024. This is part of an ongoing effort to simplify zoning laws, as the town already eliminated half-acre zoning. The ordinance primarily affects Cedar Point, though the area is grandfathered in, allowing existing rules to continue. The mayor expressed a desire to eventually work with Cedar Point on a potential zoning change to Rural Estates, allowing residents to legally own animals such as horses and cows, which he believes aligns with the rural nature of the community.

The ordinance would consolidate zones, leaving only RE-1, RE-2.5, and RE-5 for residential properties, and maintaining larger agricultural zones like AG-5, AG-10, AG-20, and AG-40. This streamlining is intended to reduce confusion, as many residents struggle to understand the existing zoning rules. The mayor noted that eliminating the Single Family Residential Zone reflects the current needs of the small town, but it could be reconsidered if future development calls for it.

Council Member Prentice and Spendlove raised a concern about potentially restricting animals within developments through their Covenants, Conditions, and Restrictions (CC&Rs), which could circumvent the town's efforts to preserve a rural, animal-friendly environment. The council members asked if there was a way to prevent from including such restrictions.

Mayor Farrar responded by noting that while CC&Rs are civil agreements between residents, the town cannot enforce or directly regulate them. He mentioned the possibility of specifying in development agreements (DAs) that CC&Rs cannot contradict town ordinances, especially regarding animals. He acknowledged that CC&Rs often create division among residents, with some individuals unaware of what they are agreeing to when purchasing property. The mayor committed to discussing this matter with legal counsel to see if the town could set limits on what CC&Rs can impose, particularly regarding animal ownership.

The mayor also noted that enforcement of CC&Rs typically falls on residents themselves, who must form boards and take civil action, if necessary, as the town has no authority over these agreements.

MOTION: Council Member Sair motioned Sair motioned that we Repeal Ordinance-O-2024-46, Title 10.10.060 Single Family Residential Zone, this was approved by the Planning Commission on August 7, 2024.

SECOND: The motion was seconded by Council Member Spendlove.

VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye

DRAFT PENDING APPROVAL

Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

8. Resolution-R-2024-29, Update Town Design Standards and Specifications, Add Section 3.6.7.5 Storage Tanks.

*Planning Commission recommended approval on August 7, 2024.

Mayor Farrar introduced Resolution R-2024-29, which proposed updates to the town's design standards and specifications, specifically related to section 3.6.7.5 regarding storage tanks. The Planning Commission had recommended approval on August 7, 2024. The resolution focused on clarifying the standards for public water system storage tanks, specifying that only concrete tanks would be required for public water sources. The mayor clarified that these updates do not apply to individuals with private wells, who are still allowed to use steel tanks. No questions or concerns were raised by the council.

MOTION: Council Member Sair motioned we approve Resolution-R-2024-29, Update Town Design Standards and Specifications, Add Section 3.6.7.5 Storage Tanks, approve by the Planning Commission on August 7, 2024.
SECOND: The motion was seconded by Council Member Prentice.
VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

9. Ordinance-O-2024-40, Adopt Title 10.39 Drones On Private Property.

*Planning Commission recommended approval on August 7, 2024.

Mayor Farrar presented Ordinance O-2024-40, which aimed to adopt regulations for drone use over private property. The ordinance was introduced in response to numerous complaints about drones being flown over private properties, causing disturbances such as scaring animals. While state law already prohibited flying drones over private property without permission, the town ordinance was proposed to provide a local enforcement mechanism. This would allow the town to issue civil fines for violations. The ordinance was designed to address concerns and provide a clearer means to enforce rules against intrusive drone use. No questions or concerns were raised by the council.

MOTION: Council Member Prentice motioned on Ordinance O-2024-40 that we Adopt Title 10.39 Drones On Private Property, recommend approval by the Planning Commission on August 7, 2024.
SECOND: The motion was seconded by Council Member Sair.
VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye

DRAFT PENDING APPROVAL

Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

10. Ordinance-O-2024-41, Zone Change from Open Space Transition to A-X Agricultural Zone for parcel: AV-1368-TR. Applicant: Lyman Family Farm Inc.

*Planning Commission recommended approval on August 7, 2024.

Mayor Farrar introduced Ordinance O-2024-41, which proposed a zone change for a 240-acre parcel. This application, submitted by Aligning Family Farm, was recommended for approval by the Planning Commission on August 7, 2024. The parcel is located south of Highway 59. The ordinance was presented for consideration by the council. No questions or concerns were raised by the council.

MOTION: Council Member Sair motioned that we approve Ordinance-O-2024-41, Zone Change from Open Space Transition to A-X Agricultural Zone for parcel: AV-1368-TR. Applicant: Lyman Family Farm Inc.
SECOND: The motion was seconded by Council Member Taylor.
VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

11. Ordinance-O-2024-42, Zone Change from Open Space Transition to A-X Agricultural Zone for parcels: AV-1354-D-8, AV-1354-D-7, AV-1354-D-6. Applicant: Hutchings, Shayne E & Julie TRS.

*Planning Commission recommended approval on August 7, 2024.

Mayor Farrar presented Ordinance O-2024-42, which included a 10-acre lot and two 5-acre lots. These parcels are located off Main Street, south of Highway 59. The ordinance was introduced for the council's consideration. No questions or concerns were raised by the council.

MOTION: Council Member Taylor moved that we approve Ordinance-O-2024-42, Zone Change from Open Space Transition to A-X Agricultural Zone for parcels: AV-1354-D-8, AV-1354-D-7, AV-1354-D-6. Applicant: Hutchings, Shayne E & Julie TRS, Planning Commission recommended approval on August 7, 2024.
SECOND: The motion was seconded by Council Member Spendlove.
VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
Council Member Sair - Aye

DRAFT PENDING APPROVAL

Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

12. Ordinance-O-2024-60, Zone Change from Open Space Transition to A-X Agricultural Zone for parcel: AV-1354-D-10. Applicant: Perry and Judy Keys.

    *Planning Commission recommended approval on August 7, 2024.

    Mayor Farrar introduced Ordinance-O-2024-60. The parcel is 10 acres in size and is currently designated as Open Space. The change to AG X was recommended for approval by the Planning Commission on August 7, 2024. The parcel is located off Main Street in the same area as the previously discussed properties. No questions or concerns were raised by the council.

MOTION: Council Member Spendlove motioned we approve Ordinance-O-2024-60, Zone Change from Open Space Transition to A-X Agricultural Zone for parcel: AV-1354-D-10. Applicant: Perry and Judy Keys, Planning Commission recommended approval on August 7, 2024.
SECOND: The motion was seconded by Council Member Sair.
VOTE: Mayor Farrar called for a vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

13. Ordinance-O-2024-50, Zone Change on parcel: AV-1327-B (Simply 899 LLC) from Cabins or Tiny Home Parks Zone (CTP) to Rural Estates Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues."

    *Planning Commission recommended approval on August 7, 2024.

    Mayor Farrar presented item 13, Ordinance O-2024-50, which proposed a zoning change for parcel AV-13.7-B from Tiny House Park Zone (CTP) to RE-5 (Rural Estate) for a 40-acre area. The purpose of this change was to lower the density to better align with the general plan and address water issues. The parcel is located east of Main Street and north of the highway. Mayor Farrar clarified that the general plan would be updated once all zoning changes were completed. No questions or concerns were raised by the council.

MOTION: Council Member Prentice motioned on Ordinance-O-2024-50, Zone Change on parcel: AV-1327-B (Simply 899 LLC) from Cabins or Tiny Home Parks Zone (CTP) to Rural Estates Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues." Recommended by the Planning Commission on August 7, 2024.
SECOND: The motion was seconded by Council Member Taylor.
VOTE: Mayor Farrar called for a Roll Call vote:

DRAFT PENDING APPROVAL

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

14. Ordinance-O-2024-51, Zone Change on parcel: AV-1311-A-7-A (Gooseberry Preserve LLC) from Planned Development (PD) to Rural Estates Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues."

    *Planning Commission recommended approval on August 7, 2024.

    Mayor Farrar introduced Ordinance O-2024-51. The proposal was to change the zoning from Land Development to Rural Estate RD-5. The purpose of the change is to implement a density management plan to address water issues. The Planning Commission recommended approval on August 7, 2024. The parcel is 70 acres, located north of Gooseberry.

    Mayor Farrar noted the need to review the existing Development Agreement (DA) and will work on updating it if necessary.

    Council Member Prentice inquired about the location and the terms of the Development Agreement. Mayor Farrar confirmed that the DA is in place and will be reviewed. Concerns were raised about ensuring construction vehicles do not disrupt current residents and that existing roads are used for access.

    Council Member Prentice emphasized the need to be considerate of current residents during development and construction, and to ensure that the Development Agreement includes provisions to address these concerns. No questions or concerns were raised by the council.

MOTION: Council Member Prentice motioned on Ordinance-O-2024-51, Zone Change on parcel: AV-1311-A-7-A (Gooseberry Preserve LLC) from Planned Development (PD) to Rural Estates Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues." Planning Commission recommended approval on August 7, 2024.
SECOND: The motion was seconded by Council Member Sair.
VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

15. Ordinance-O-2024-52, Zone Change on parcel: AV-1-3-5-211 (Heber R Allred) from Single-Family Residential > 20,000 Sq Ft (SF-.5) and Highway Commercial (C-2) to Rural Estates Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues."

    *Planning Commission recommended approval on August 7, 2024.

DRAFT PENDING APPROVAL

Mayor Farrar presented the ordinance for a zone change on parcel AV-1-3-5-211, currently zoned Single Family Residential 20,000 square feet, Single Family 0.5, and Highway Commercial C-2. The proposed change is to Rural Estate Zone RE-5 to lower density, align with the General Plan, and address water issues. The Planning Commission recommended approval on August 7, 2024. The parcel covers 137 acres, located south of the highway off Main Street.

Council Member Prentice supported the change, noting its necessity. No questions or concerns were raised by the council.

MOTION: Council Member Prentice motioned on Ordinance-O-2024-52, Zone Change on parcel: AV-1-3-5-211 (Heber R Allred) from Single-Family Residential > 20,000 Sq Ft (SF-.5) and Highway Commercial (C-2) to Rural Estates Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues." Planning Commission recommended approval on August 7, 2024.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

16. Ordinance-O-2024-55, Zone Change on parcel: AV-1319-A (Tru South, LLC) from Rural Estate 1 Acres Zone (RE-1) to Rural Estates 5 Acres Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues."

    *Planning Commission recommended approval on August 7, 2024.

    Mayor Farrar introduced the ordinance for a zone change on parcel AV-1319-A (Tru South, LLC), from Rural Estate (one acre) to Rural Estate (five acres). The purpose of the change is to reduce density and align with the General Plan, to address water issues. The Planning Commission recommended approval on August 7, 2024. The parcel is 66 acres, located west of Main Street and north of the highway. Mayor Farrar noted that this parcel has no vested rights or pre-existing agreements. No questions or concerns were raised by the council.

MOTION: Council Member Sair motioned to approve Ordinance-O-2024-55, Zone Change on parcel: AV-1319-A (Tru South, LLC) from Rural Estate 1 Acres Zone (RE-1) to Rural Estates 5 Acres Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues." Approved by the Planning Commission on August 7, 2024.

SECOND: The motion was seconded by Council Member Prentice.

VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye

DRAFT PENDING APPROVAL

Council Member Taylor - Aye

The vote was unanimous and the motion carried.

17. Ordinance-O-2024-64, Zone Change on parcel: AV-1327 (Holm House LLC) from Single-Family Residential > 20,000 Sq Ft (SF-.5) to Rural Estates 5 Acres Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues."

    *Planning Commission recommended approval on August 7, 2024.

    Mayor Farrar introduced the ordinance for a zone change on parcel AV-1327 (Holm House LLC), from Single Family Residential half-acre to Rural Estate five acres. The purpose of the change is to lower density, match the General Plan, and address water issues. The Planning Commission recommended approval on August 7, 2024. The parcel consists of 444 acres, located north of the highway and east of Main Street. No questions or concerns were raised by the council.

MOTION: Council Member Prentice motioned on Ordinance-O-2024-64, Zone Change on parcel: AV-1327 (Holm House LLC) from Single-Family Residential half-acre (SF-.5) to Rural Estates 5 Acres Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues." Planning Commission recommended approval on August 7, 2024.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

18. Ordinance-O-2024-65, Zone Change on parcels: AV-1348-A, AV-1345, AV-1346, AV-1326 (Holm House LLC) from Rural Estates 1 Acre Zone (RE-1.0) to Rural Estates 5 Acres Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, to address water issues."

    *Planning Commission recommended approval on August 7, 2024.

    Mayor Farrar introduced the ordinance for a zone change on parcels AV-1348-A, AV-1345, AV-1346, AV-1326, owned by Holm House LLC, from Rural Estates (one acre, RE-1) to Rural Estates (five acres, RE-5). The purpose of the change is to lower density, align with the General Plan, and address water issues. The Planning Commission recommended approval on August 7, 2024. The parcels total 640 acres and are located north of the highway and east of Main Street. No questions or concerns were raised by the council.

MOTION: Council Member Sair motioned we approve Ordinance-O-2024-65, Zone Change on parcels: AV-1348-A, AV-1345, AV-1346, AV-1326 (Holm House LLC) from Rural Estates 1 Acre Zone (RE-1.0) to Rural Estates 5 Acres Zone (RE-5.0) for the stated purpose of "To lower density to match general plan, and to address our water issues." Planning Commission approve this also on August 7, 2024

SECOND: The motion was seconded by Council Member Prentice.

DRAFT PENDING APPROVAL

VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

19. Ordinance-O-2024-53, Zone Change on parcels: AV-1353-JC2, AV-1383-JC2, AV-1352, AV-1341, AV-1340, AV-1347 (Jepson Canyon Resort Development Co., Inc) from Planned Development (PD) to Rural Estates 1 Acres Zone (RE-1.0) and the reason for the request is "Change to RE-1."

    *Scheduled for Planning Commission recommendation on August 27, 2024.

    Mayor Farrar introduced the ordinance for a zone change on parcels AV-1353-JC2, AV-1383-JC2, AV-1352, AV-1341, AV-1340, and AV-1347, which are part of the Jepson Canyon Resort Development Company. The proposal is to change the zoning from Planned Development (PD) to Rural Estate (one acre, RE-1). The request is intended to lower density, align with the General Plan, and address water issues. The Planning Commission had recommended approval the previous night.

    However, Mayor Farrar requested that the council table the item for 30 days as there are still some details being worked out with Jepson , who has been cooperative in the process but needs additional time to finalize these issues. No questions or concerns were raised by the council.

MOTION: Council Member Prentice motioned we table.
SECOND: The motion was seconded by Council Member Taylor.
VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

20. Ordinance-O-2024-54, Zone Change on parcels: AV-1382-JC2, AV-1381, AV-1337-A-1-A-1-A, AV-1381-JC1, AV-1384-JC3, AV-1338-A-1-JC3, AV-1385-JC3, AV-1338-A-2 (Little Creek Land Company, LLC) from Planned Development (PD) to Rural Estates 1 Acre Zone (RE-1.0) and Highway Commercial Zone (C-2) and the reason for the request is "Change to RE-1 and C-2."

    *Scheduled for Planning Commission recommendation on August 27, 2024.

    Mayor Farrar introduced the ordinance for a zone change on parcels associated with the Little Creek Land Company. The proposal seeks to change the zoning from Planned Development (PD) to Rural Estate (one acre, RE-1) and Highway Commercial (C-2) for mixed-use purposes. The request is aimed at aligning with the General Plan, reducing density, and addressing water issues. The Planning Commission recommended approval the previous night.

DRAFT PENDING APPROVAL

However, Mayor Farrar requested that this item also be tabled, as there are details in the Development Agreement (DA) that still need to be finalized. No questions or concerns were raised by the council.

MOTION: Council Member Taylor moved that we table this ordinance until next month.
SECOND: The motion was seconded by Council Member Prentice.
VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

21. Ordinance-O-2024-56, Zone Change on parcels: AV-1317-B, AV-1317-D, AV-1325, AV-1-2-19-313,AV-1-2-19-312, AV-1-2-19-315, AV-1-2-19-316, AV-1-2-19-317, AV-1-2-19-420, AV-1324-A, AV-1323-A, AV-1322-A (Crimson Peaks Subdivision) from Single-Family Residential > 20,000 Sq Ft Zone (SF-.5) to Rural Estates 1 Acre Zone (RE-1.0) and the reason for the request is "Changing SF-.5 to RE-1."

*Scheduled for Planning Commission recommendation on August 27, 2024.

Mayor Farrar introduced a zone change for Crimson Peak Subdivision, involving multiple parcels and owners. The proposal would change zoning from Single Family Residential (greater than 20,000 square feet, SF-.5) to Rural Estate (one acre, RE-1). The goal is to reduce density, align with the General Plan, and address water issues. The Planning Commission recommended approval on August 27, 2024.

This involves approximately 100 acres west of the town building and near the highway. Mayor Farrar explained that while there was a preliminary plat, it was incomplete due to certain requirements not being met, which means the project is not vested under current ordinances. The mayor stated ongoing work with developers to resolve outstanding issues.

Council Member Prentice commented on how long the process has been ongoing.

MOTION: Council Member Prentice motioned on Ordinance-O-2024-56, Zone Change on parcels: AV-1317-B, AV-1317-D, AV-1325, AV-1-2-19-313,AV-1-2-19-312, AV-1-2-19-315, AV-1-2-19-316, AV-1-2-19-317, AV-1-2-19-420, AV-1324-A, AV-1323-A, AV-1322-A (Crimson Peaks Subdivision) from Single-Family Residential > 20,000 Sq Ft Zone (SF-.5) to Rural Estates 1 Acre Zone (RE-1.0) and the reason for the request is "Changing SF-.5 to RE-1." Planning Commission recommendation on August 27, 2024.
SECOND: The motion was seconded by Council Member Sair.
VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

DRAFT PENDING APPROVAL

22. Ordinance-O-2024-57, Zone Change on parcels: AV-1313-D-1-A, AV-1313-D-2 (West Temple Subdivision) from Single-Family Residential > 20,000 Sq Ft Zone (SF-.5) and Single-Family Residential > 40,000 Sq Ft (SF-1.0) to Rural Estates 1 Acre Zone (RE-1.0) and the reason for the request is "Changing SF-.5 and SF-1.0 to RE-1, C-2 and A-40 will remain the same."

    *Scheduled for Planning Commission recommendation on August 27, 2024.

    Mayor Farrar introduced a zone change for the West Temple Subdivision, affecting parcels AV-1313-D-1-A and AV-1313-D-2. The proposal would change zoning from Single Family Residential (SF-0.5, greater than 20,000 square feet, and SF-1, greater than 40,000 square feet) to Rural Estate (one acre, RE-1). The request maintains that the Commercial (C-2) and Agricultural (A-40) zoning will remain unchanged.

    The Planning Commission recommended approval on August 27, 2024. Mayor Farrar emphasized that the C-2 and A-40 zoning should remain the same, ensuring this is clearly stated in the motion.

    Council Member Spendlove inquired about the location of the commercial zoning, to which Mayor Farrar confirmed that it would be along the highway.

MOTION: Council Member Taylor moved that we approve Ordinance-O-2024-57, Zone Change on parcels: AV-1313-D-1-A, AV-1313-D-2 (West Temple Subdivision) from Single-Family Residential > 20,000 Sq Ft Zone (SF-.5) and Single-Family Residential > 40,000 Sq Ft (SF-1.0) to Rural Estates 1 Acre Zone (RE-1.0) and the reason for the request is "Changing SF-.5 and SF-1.0 to RE-1, C-2 and A-40 will remain the same."

SECOND: The motion was seconded by Council Member Spendlove.

VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

23. Ordinance-O-2024-59, Salaries in municipalities -- Notice.

    Mayor Farrar introduced an ordinance regarding the salaries and municipal notice. This ordinance addresses the public disclosure of salaries, specifically related to the town attorney's pay. The mayor mentioned that moving forward, any review or adjustment of the town attorney's contract would be done in a public hearing to ensure transparency. No questions or concerns were raised by the council.

MOTION: Council Member Sair motioned to approve Ordinance-O-2024-59, Salaries in municipalities -- Notice.

SECOND: The motion was seconded by Council Member Prentice.

VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye

DRAFT PENDING APPROVAL

Council Member Taylor - Aye

The vote was unanimous and the motion carried.

24. Resolution-R-2024-33, Amendment to Personnel Policies and Procedures (QSEHRA Benefits).

Mayor Farrar introduced a resolution amending the personnel policies and procedures regarding QSEHRA benefits. No questions or concerns were raised by the council.

MOTION: Council Member Taylor moved that we approve Resolution R-2024-33, Amendment to Personnel Policies and Procedures (QSEHRA Benefits).
SECOND: The motion was seconded by Council Member Prentice.
VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

25. Resolution-R-2024-34, Amendment to Personnel Policies and Procedures (Yearly Review Personnel policy with Bereavement updates).

Mayor Farrar introduced a resolution amending the personnel policies and procedures with updates to the bereavement policy. The changes included housekeeping adjustments such as correcting typographical errors. The bereavement policy now provides full-time employees 30 hours of paid leave after the death of a spouse, child, parent, grandparent, sibling, in-law, or another relative residing with the employee. Employees may use vacation or compensatory time for other family funerals. No questions or concerns were raised by the council.

MOTION: Council Member Taylor moved that we approve Resolution R-2024-34, Amendment to Personnel Policies and Procedures (Yearly Review Personnel policy with Bereavement updates).
SECOND: The motion was seconded by Council Member Prentice.
VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

26. Resolution-R-2024-35, Amendment to Personnel Policies and Procedures (Receipting update).

DRAFT PENDING APPROVAL

Mayor Farrar introduced a resolution amending the personnel policies and procedures regarding receipt updates. This amendment formalized the process for documenting receipts for cash and check payments, reflecting current practices. No questions or concerns were raised by the council.

MOTION: Council Member Spendlove motioned we approve Resolution-R-2024-35, Amendment to Personnel Policies and Procedures (Receipting update).
SECOND: The motion was seconded by Council Member Taylor.
VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

27. UpAhead Software Agreement.

Mayor Farrar introduced a new software agreement for a text notification system at a cost of $200 per month. The system will be used primarily for emergency notifications, such as evacuation routes or urgent safety messages, with the ability to send out surveys and general town notifications.

The system includes a QR code that residents can scan to opt in, with the option to choose between receiving only emergency alerts or all notifications. The QR code will be available on the town website and sent with water bills. The system also allows for zone-specific notifications to target certain areas of the town.

Council members expressed support for the system's use, especially for emergency communication and broader resident input. There was a discussion about ensuring the system's effectiveness, with plans to evaluate its performance after a few months. If successful, it could replace the current methods, but it can be canceled with a 60-day notice if it doesn't gain enough participation.

MOTION: Council Member Taylor moved that we approve the UpAhead Software Agreement.
SECOND: The motion was seconded by Council Member Spendlove.
VOTE: Mayor Farrar called for a vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

28. Resolution-R-2024-36, Modifying, Limiting, and Revoking the Delegation of Authority to the Big Plains Water Special Service District.

Mayor Farrar introduced the resolution, which would transition control of the Big Plain Water Special Service District to the Town Council. Previously, Harold and Ross held key positions on the Water Board,

DRAFT PENDING APPROVAL

but both have retired. Instead of appointing two new individuals, the Town Council will assume responsibility for the district's management.

The mayor explained that he had spoken with Harold and Ross, and both were in favor of this transition. The council will now function as the Water Board, with regular council meetings closing to conduct water meetings. The move was presented as a practical solution due to the difficulty of finding volunteers for these roles, with assurances that the current system and responsibilities would remain largely unchanged.

The council members expressed comfort with the decision, noting that Harold and Ross will still be available to provide assistance if needed.

MOTION: Council Member Taylor moved that we approve Resolution R-2024-36, Modifying, Limiting, and Revoking the Delegation of Authority to Big Plains Water Special Service District.
SECOND: The motion was seconded by Council Member Prentice.
VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

29. Approval of dump trailer purchase.

Mayor Farrar introduced the approval for the purchase of a dump trailer. The trailer will be used to transport the mini excavator, dirt, and other materials. It was noted that the item was mistakenly left off a previous meeting's agenda. The mayor confirmed that the trailer, priced at just under $13,000, is a good deal, especially when compared to another trailer the town recently purchased for $18,000. The mayor also noted that the research confirmed the price was fair, ensuring the town was making a prudent purchase.

MOTION: Council Member Prentice motioned that we approve the dump trailer purchase.
SECOND: The motion was seconded by Council Member Sair.
VOTE: Mayor Farrar called for a vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

30. Auxiliary Fire Station Lease Renewal.

Mayor Farrar introduced the renewal of the fire station substation lease, which is up for its six-month renewal. The mayor highlighted that the lease has been beneficial for all parties involved and has

DRAFT PENDING APPROVAL

contributed to lowering the town's ISO (Insurance Services Office) insurance rating to a 5. He acknowledged that while there are still some issues with certain insurance companies, especially for residents in Cedar Point, the lease is fulfilling its intended purpose.

Council Member Prentice inquired about the lease's performance, and the mayor reiterated that it's working well. He noted that the lower insurance rating does not officially take effect until October 1. The six-month lease renewal cost is $500.

MOTION: Council Member Taylor moved to approve the Auxiliary Fire Station Lease Renewal.
SECOND: The motion was seconded by Council Member Sair.
VOTE: Mayor Farrar called for a vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

DISCUSSION

31. Storm Water Drainage Fee.

Storm water drainage fee.

Mayor Farrar introduced a discussion about the storm water drainage fee, which is currently set at $10 per month. The fee is intended for infrastructure improvements related to flooding. The mayor and Council Members discussed whether the fee should also be used for maintenance purposes.

Council Member Taylor and Council Member Sair expressed concerns about the fee's adequacy, noting that previous significant stormwater projects have cost millions, far exceeding the collected fees. Council Member Sair suggested reviewing the fee structure and exploring ways to better use or adjust the fee, potentially using it for maintenance rather than just future improvements.

Mayor Farrar clarified that the fee is not an impact fee, so there is no deadline for using the collected funds. He emphasized that while the fee won't cover major flooding projects, it has been used for smaller improvements. He proposed discussing this further in a work meeting and possibly surveying residents for their input on how the fee is utilized.

Council Member Prentice supported the idea of reviewing the fee's usage and considering a combination of maintenance and improvement projects. Mayor Farrar agreed to include this discussion in the next work meeting and gather more information from the town.

CONSENT AGENDA

32. Disbursement Listing for July 2024.
33. Budget Report for Fiscal Year 2025 through July 2024.
34. Approval of Minutes: July 31, 2024, Special Town Council Meeting - Apple Valley Pipeline.
35. Approval of Minutes: July 31, 2024, Town Council Meeting and Hearing.

The Mayor asked if there were any questions or concerns regarding these items. No questions or concerns were raised by the council.

DRAFT PENDING APPROVAL

MOTION: Council Member Sair motioned that we approve Disbursement Listing for July 2024, Budget Report for Fiscal Year 2025 through July 2024, Approval of Minutes: July 31, 2024, Special Town Council Meeting - Apple Valley Pipeline, and Approval of Minutes: July 31, 2024, Town Council Meeting and Hearing.
SECOND: The motion was seconded by Council Member Prentice.
VOTE: Mayor Farrar called for a vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

ADJOURNMENT

MOTION: Council Member Prentice motioned to adjourn.
SECOND: The motion was seconded by Council Member Sair.
VOTE: Mayor Farrar called for a vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 7:23 p.m.

Date Approved: _____

Approved BY: _____
Mayor | Michael L. Farrar

Attest BY: _____
Town Clerk/Recorder | Jenna Vizcardo

DRAFT PENDING APPROVAL